



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**April 03, 2012**

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Senate File 2295

H-8406

- 1 Amend the amendment, H-8271, to Senate File 2295, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 23, by striking <twenty> and
- 4 inserting <twenty-five>

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BALTIMORE of Boone

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R. OLSON of Polk



Iowa General Assembly  
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Senate File 2295

H-8407

1 Amend the amendment, H-8271, to Senate File 2295, as  
2 passed by the Senate, as follows:  
3 1. Page 1, by striking lines 35 through 37 and  
4 inserting:  
5 <2. A conviction under this section shall not  
6 constitute an offense requiring registration as a sex  
7 offender under chapter 692A.>

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BALTIMORE of Boone



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House File 2450

H-8408

1 Amend House File 2450 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. AUTOMATED TRAFFIC LAW ENFORCEMENT  
5 PROGRAMS — MORATORIUM ON NEW LOCAL ORDINANCES.

6 1. During the period beginning on the effective  
7 date of this Act and ending June 30, 2013, a local  
8 authority shall not adopt a new ordinance for the  
9 implementation of an automated traffic law enforcement  
10 program. A local authority that has adopted such an  
11 ordinance prior to the effective date of this Act may  
12 continue to use automated traffic law enforcement  
13 systems according to the terms of the authorizing  
14 ordinance.

15 2. For purposes of this section, "automated traffic  
16 law enforcement system" means a device with one or more  
17 sensors working in conjunction with a traffic control  
18 signal or device or a speed-measuring device to produce  
19 recorded images of vehicles being operated in violation  
20 of traffic or speed laws. "Automated traffic law  
21 enforcement system" does not include a device operated  
22 in the presence of a peace officer or a device mounted  
23 on a school bus and operated in the presence of the  
24 driver of the school bus.

25 Sec. 2. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS  
26 STUDY.

27 1. The center for transportation research and  
28 education at Iowa state university, in consultation  
29 with the department of transportation and the  
30 department of public safety, shall conduct a  
31 comprehensive study regarding the use and effectiveness  
32 of automated traffic law enforcement systems. The  
33 elements of the study shall include but are not limited  
34 to the following:

35 a. An overview of the history of automated traffic  
36 law enforcement systems nationally and an overview of  
37 the impact of the systems on traffic safety and traffic  
38 law enforcement in areas of the country in which the  
39 systems have been used.

40 b. A compilation and analysis of available data  
41 regarding the use of automated traffic law enforcement  
42 systems in this state and in other states to evaluate  
43 the effect of the systems on accident rates including  
44 the number, type, and severity of accidents and the  
45 property damage, injuries, and fatalities resulting  
46 from such accidents.

47 c. Information regarding the manner in which  
48 automated traffic law enforcement systems are regulated  
49 by various states.

50 d. Identification of potential strategies to

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1 address the existence and impact of automated traffic  
2 law enforcement programs in this state. To the  
3 extent possible, the study shall evaluate the types  
4 of restrictions that might be imposed on local  
5 authorities by the state to limit the number and  
6 scope of such programs or to enhance the effectiveness  
7 of such programs. Possible strategies to consider  
8 include requiring legislative approval for the use of  
9 automated traffic law enforcement systems, requiring a  
10 local authority to prove a need for the systems as a  
11 condition for adopting an ordinance authorizing their  
12 use, imposing statutory limits on civil penalties,  
13 and other similar strategies for the regulation of  
14 automated traffic law enforcement programs.  
15 2. Local authorities that are using automated  
16 traffic law enforcement systems as of the effective  
17 date of this Act shall provide information at the  
18 request of the center for transportation research and  
19 education to assist the center in conducting the study  
20 required under this section.  
21 3. The center for transportation research and  
22 education shall submit a report of its study to the  
23 general assembly by January 15, 2013.  
24 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being  
25 deemed of immediate importance, takes effect upon  
26 enactment.>  
27 2. Title page, line 1, by striking <prohibiting>  
28 and inserting <providing for a study concerning>

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H. MILLER of Webster

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WOLFE of Clinton



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Senate File 2112

H-8409

- 1 Amend Senate File 2112, as passed by the Senate, as  
2 follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 321.30, subsection 2, Code  
5 2011, is amended to read as follows:  
6 2. a. Unless otherwise provided for in this  
7 chapter, the department or the county treasurer shall  
8 refuse registration and issuance of a certificate of  
9 title unless the vehicle bears a manufacturer's label  
10 pursuant to 49 C.F.R. pt. 567 certifying that the  
11 vehicle meets federal motor vehicle safety standards.  
12 b. A military vehicle, other than a vehicle that  
13 runs on continuous tracks or wheels and tracks, that  
14 was originally manufactured for and sold directly to  
15 the armed forces of the United States in conformity  
16 with contractual specifications, as provided in  
17 49 C.F.R. § 571.7, may be registered and issued a  
18 certificate of title if the owner provides satisfactory  
19 evidence to the department that the vehicle is  
20 substantially in compliance with federal motor vehicle  
21 safety standards. The department may adopt rules as  
22 necessary concerning the registration and titling of  
23 military vehicles in accordance with this chapter.>  
24 2. Title page, line 1, after <Act> by inserting  
25 <relating to transportation, including by providing for  
26 the registration and titling of military vehicles and>  
27 3. By renumbering as necessary.

\_\_\_\_\_  
WINDSCHITL of Harrison

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CHAMBERS of O'Brien

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LYKAM of Scott

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TJEPKES of Webster

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RASMUSSEN of Buchanan

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aw/nh

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Senate File 2112

H-8410

- 1 Amend Senate File 2112, as passed by the Senate, as  
2 follows:  
3 1. Page 2, after line 4 by inserting:  
4 <Sec. \_\_\_\_\_. VETERAN IDENTIFICATION —  
5 ALLOCATION. Notwithstanding section 35A.11, the  
6 commission of veterans affairs may allocate up to  
7 fifty thousand dollars from the veterans license fee  
8 fund created in section 35A.11 to the department of  
9 transportation for the fiscal year beginning July 1,  
10 2012, and ending June 30, 2013, or so much thereof as  
11 is necessary, to be used for the implementation of this  
12 Act. Any moneys allocated pursuant to this section  
13 that remain unencumbered or unobligated at the close of  
14 the fiscal year shall revert to the veterans license  
15 fee fund created in section 35A.11.>  
16 2. Title page, line 3, after <status> by inserting  
17 <and allowing the commission of veterans affairs to  
18 allocate certain funds>  
19 3. By renumbering as necessary.

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WINDSCHITL of Harrison



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House File 2435

H-8411

- 1 Amend House File 2435 as follows:  
2 1. Page 26, after line 1 by inserting:  
3 <6. The department of human services shall increase  
4 by 10 percent the amounts in the schedule of basic  
5 needs used to determine the cash assistance grants  
6 provided to participants in the family investment  
7 program. The resulting amounts shall be rounded to the  
8 nearest whole dollar. The department shall implement  
9 the increase commencing with the fiscal year beginning  
10 July 1, 2013.>  
11 2. By renumbering as necessary.

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BERRY of Black Hawk





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Senate File 2293

H-8412

- 1 Amend Senate File 2293, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 11, line 8, through page 15,  
4 line 14, and inserting:  
5 <Sec. \_\_\_\_\_. Section 514J.102, subsections 1 and 10,  
6 Code Supplement 2011, are amended to read as follows:  
7 1. *"Adverse determination"* means a determination  
8 by a health carrier that an admission, availability  
9 of care, continued stay, or other health care service  
10 that is a covered benefit has been reviewed and,  
11 based upon the information provided, does not meet the  
12 health carrier's requirements for medical necessity,  
13 appropriateness, health care setting, level of  
14 care, or effectiveness, and the requested service or  
15 payment for the service is therefore denied, reduced,  
16 or terminated. *"Adverse determination"* includes a  
17 denial of coverage for a dental care service that is  
18 a covered benefit that has been reviewed and, based  
19 upon the information provided, does not meet the health  
20 carrier's requirements for medical necessity, and  
21 the requested service or payment for the dental care  
22 service is therefore denied, reduced, or terminated,  
23 in whole or in part. *"Adverse determination"* does not  
24 include a denial of coverage for a service or treatment  
25 specifically listed in plan or evidence of coverage  
26 documents as excluded from coverage.  
27 10. *"Covered benefits"* or *"benefits"* means those  
28 health care services and dental care services to which  
29 a covered person is entitled under the terms of a  
30 health benefit plan.  
31 Sec. \_\_\_\_\_. Section 514J.102, Code Supplement 2011,  
32 is amended by adding the following new subsection:  
33 NEW SUBSECTION. 11A. *"Dental care services"* means  
34 services for diagnostic, preventive, maintenance, and  
35 therapeutic dental care that is provided under chapter  
36 153.>  
37 2. Page 21, by striking lines 1 through 12.  
38 3. Page 21, by striking lines 17 and 18.  
39 4. By renumbering as necessary.

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PETTENGILL of Benton

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av/nh

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Senate File 2315

H-8413

1 Amend Senate File 2315, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking line 21 and inserting  
4 ~~<consult with take into account any related planning~~  
5 activities implemented by the Iowa department of public  
6 health, the state>  
7 2. Page 1, line 29, by striking <incorporate> and  
8 inserting <incorporate>  
9 3. Page 1, line 30, after <services> by inserting  
10 <take into account>  
11 4. Page 2, line 7, by striking <Coordinate of> and  
12 inserting <of Coordinate>  
13 5. Page 2, line 10, by striking <to> and inserting  
14 <to in connection with>  
15 6. Page 3, line 7, by striking <331.440B.> and  
16 inserting <331.438C. A performance-based contract  
17 shall require a regional administrator to fulfill the  
18 statutory and regulatory requirements of the regional  
19 service system under this chapter and chapter 331. A  
20 failure to fulfill the requirements may be addressed  
21 by remedies specified in the contract, including but  
22 not limited to suspension of contract payments or  
23 cancellation of the contract. The contract provisions  
24 may include but are not limited to requirements for  
25 the regional service system to attain outcomes within  
26 a specified range of acceptable performance in any of  
27 the following categories:  
28 (1) Access standards for the required core  
29 services.  
30 (2) Penetration rates for serving the number of  
31 persons expected to be served.  
32 (3) Utilization rates for inpatient and residential  
33 treatment.  
34 (4) Readmission rates for inpatient and residential  
35 treatment.  
36 (5) Employment of the persons receiving services.  
37 (6) Administrative costs.  
38 (7) Data reporting.  
39 (8) Timely and accurate claims processing.>  
40 7. Page 3, line 7, by striking <pursuant to> and  
41 inserting <as described in>  
42 8. Page 3, line 28, after <225C.6A,> by inserting  
43 <unnumbered paragraph 1,>  
44 9. Page 3, by striking line 30.  
45 10. Page 3, line 31, before <The> by inserting <1.>  
46 11. Page 3, after line 33 by inserting:  
47 <Sec. \_\_\_\_\_. Section 225C.6A, subsections 1 through  
48 3, Code 2011, are amended to read as follows:>  
49 12. Page 4, line 6, by striking <a, 1.> and  
50 inserting <a.>

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1 13. Page 4, line 15, by striking ~~<b>~~ 2. and  
2 inserting <b>.  
3 14. Page 4, line 25, by striking ~~<3.>~~ and inserting  
4 <2.>  
5 15. By striking page 4, line 32, through page 5,  
6 line 8.  
7 16. Page 5, after line 8 by inserting:  
8 <Sec. \_\_\_\_\_. Section 225C.6B, Code 2011, is amended  
9 by adding the following new subsection:  
10 NEW SUBSECTION. 3. *State and regional disability*  
11 *service systems.* The publicly financed disability  
12 services for persons with mental illness, intellectual  
13 disability or other developmental disability, or  
14 brain injury in this state shall be provided by  
15 the department and the counties operating together  
16 as regions. The financial and administrative  
17 responsibility for such services is as follows:  
18 a. Disability services for children and adults  
19 that are covered under the medical assistance program  
20 pursuant to chapter 249A are the responsibility of the  
21 state.  
22 b. Adult mental health and intellectual disability  
23 services that are not covered under the medical  
24 assistance program are the responsibility of the  
25 county-based regional service system.>  
26 17. Page 5, line 16, by striking <department> and  
27 inserting <director of human services, in consultation  
28 with the commission,>  
29 18. Page 5, line 18, by striking <allowed growth>  
30 and inserting <the increase in the costs of providing  
31 services>  
32 19. Page 5, line 20, by striking <allocate> and  
33 inserting <distribute>  
34 20. By striking page 5, line 27, through page 6,  
35 line 1.  
36 21. Page 6, line 7, by striking <3, paragraph "c">  
37 and inserting <3, paragraph "c" 2>  
38 22. By striking page 7, line 17, through page 8,  
39 line 5, and inserting <state commission pursuant to  
40 a recommendation made by the department. A regional  
41 management plan shall include an annual service and  
42 budget plan, a policies and procedures manual, and an  
43 annual report. Each region's initial plan shall be  
44 submitted to the department by April 1, 2014.  
45 2. Each region shall submit to the department  
46 an annual service and budget plan approved by the  
47 region's governing board. Provisions for the director  
48 of human services' approval of the annual service and  
49 budget plan, and any amendments to the plan, and other  
50 requirements shall be specified in rule adopted by the

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1 state commission. The provisions addressed in the  
2 annual plan shall include but are not limited to all  
3 of the following:  
4     a. The region's budget and financing provisions for  
5 the next fiscal year. The provisions shall address how  
6 county, regional, state, and other funding sources will  
7 be used to meet the service needs within the region.  
8     b. The scope of services included in addition to  
9 the required core services. Each service included  
10 shall be described and projection of need and the  
11 funding necessary to meet the need shall be included.  
12     c. The location of the local access points for  
13 services.  
14     d. The plan for assuring effective crisis  
15 prevention, response, and resolution.  
16     e. The provider reimbursement provisions. A  
17 region's use of provider reimbursement approaches in  
18 addition to fee-for-service reimbursement and for  
19 compensating the providers engaged in a systems of care  
20 approach and other nontraditional providers shall be  
21 encouraged. A region also shall be encouraged to use  
22 and the department shall approve funding approaches  
23 that identify and incorporate all services and  
24 sources of funding used by persons receiving services,  
25 including medical assistance program funding.  
26     f. Financial forecasting measures.  
27     g. The targeted case managers designated for the  
28 region.  
29     3. Each region shall submit an annual report to the  
30 department on or before December 1. The annual report  
31 shall provide information on the actual numbers of  
32 persons served, moneys expended, and outcomes achieved.  
33     4. The region shall have in effect a policies and  
34 procedures manual for the regional service system. The  
35 manual shall be approved by the region's governing  
36 board and is subject to approval by the director of  
37 human services. An approved manual shall remain in  
38 effect subject to amendment. An amendment to the  
39 manual shall be submitted to the department at least  
40 forty-five days prior to the date of implementation of  
41 the amendment. Prior to implementation of an amendment  
42 to the manual, the amendment must be approved by the  
43 director of human services in consultation with the  
44 state commission. The manual shall include but is not  
45 limited to all of the following:  
46     a. A description of the region's policies and  
47 procedures for financing and delivering the services  
48 included in the annual service and budget plan.  
49     b. The enrollment and eligibility process.  
50     c. The method of annual service and budget plan

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1 administration.  
2     *d.* The process for managing utilization and access  
3 to services and other assistance. The process shall  
4 also describe how coordination between the services  
5 included in the annual service and budget plan and  
6 the disability services administered by the state and  
7 others will be managed.  
8     *e.* The quality management and improvement  
9 processes.  
10    *f.* The risk management provisions and fiscal  
11 viability of the annual service and budget plan, if the  
12 region contracts with a private entity.  
13    *g.* The requirements for designation of targeted  
14 case management providers and for implementation  
15 of evidence-based models of case management. The  
16 requirements shall be designed to provide the person  
17 receiving the case management with a choice of  
18 providers, allow a service provider to be the case  
19 manager but prohibit the provider from referring a  
20 person receiving the case management only to services  
21 administered by the provider, and include other  
22 provisions to ensure compliance with but not exceed  
23 federal requirements for conflict-free case management.  
24 The qualifications of targeted case managers and other  
25 persons providing service coordination under the  
26 management plan shall be specified in the rules. The  
27 rules shall also include but are not limited to all of  
28 the following relating to targeted case management and  
29 service coordination services:  
30     (1) Performance and outcome measures relating to  
31 the health, safety, work performance, and community  
32 residency of the persons receiving the services.  
33     (2) Standards for delivery of the services,  
34 including but not limited to social history,  
35 assessment, service planning, incident reporting,  
36 crisis planning, coordination, and monitoring for  
37 persons receiving the services.  
38     (3) Methodologies for complying with the  
39 requirements of this paragraph *g* which may include  
40 the use of electronic recordkeeping and remote or  
41 internet-based training.  
42    *h.* A plan for a systems of care approach in which  
43 multiple public and private agencies partner with  
44 families and communities to address the multiple needs  
45 of the persons and their families involved with the  
46 regional service system.  
47    *i.* Measures to provide services in a decentralized  
48 manner that utilize the strengths and assets of  
49 the administrators and service providers within and  
50 available to the region.

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1     *j.* A plan for provider network formation and  
2 management.  
3     *k.* Service provider payment provisions.  
4     *l.* A process for resolving grievances.  
5     *m.* Measures for implementing interagency and  
6 multisystem collaboration and care coordination.  
7     5. The provisions of a regional service system  
8 management plan shall include measures to address the  
9 needs of persons who have two>  
10    23. Page 8, line 9, by striking <individuals> and  
11 inserting <persons>  
12    24. Page 8, after line 16 by inserting:  
13    <\_. If a county has been exempted pursuant to  
14 section 331.438B from the requirement to enter into a  
15 regional service system, the county and the county's  
16 board of supervisors shall fulfill all requirements  
17 under this chapter for a regional service system,  
18 regional service system management plan, regional  
19 governing board, and regional administrator, and any  
20 other provisions applicable to a region of counties  
21 providing local mental health and disability services.>  
22    25. By striking page 8, line 24, through page 10,  
23 line 13.  
24    26. Page 10, by striking lines 17 and 18 and  
25 inserting <in the core services required under section  
26 331.439D, subject to the availability of funding.>  
27    27. Page 11, line 7, by striking <disability  
28 services> and inserting <regional service system>  
29    28. Page 11, by striking lines 10 through 12 and  
30 inserting <hundred percent of the federal poverty  
31 level.>  
32    29. Page 11, line 25, by striking <is fully able to  
33 absorb the cost> and inserting <is not reimbursed for  
34 the cost with public funds>  
35    30. Page 11, line 34, after <commission> by  
36 inserting <pursuant to a recommendation made by the  
37 department>  
38    31. Page 12, line 23, by striking <diagnosable>  
39    32. Page 12, line 24, after <disorder> by inserting  
40 <or, in the opinion of a mental health professional,  
41 may now have such a diagnosable disorder>  
42    33. Page 13, lines 4 and 5, by striking <or other  
43 developmental disability>  
44    34. Page 14, by striking lines 8 through 18 and  
45 inserting <otherwise requires, "domain" means a set of  
46 similar services that>  
47    35. Page 14, line 19, by striking <an individual's>  
48 and inserting <a person's>  
49    36. Page 14, by striking line 23 and inserting:  
50    <(2) The director of>

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1 37. Page 14, line 28, by striking <individuals> and  
2 inserting <persons>  
3 38. Page 14, line 30, by striking <individual> and  
4 inserting <person>  
5 39. Page 14, line 32, by striking <individual> and  
6 inserting <person>  
7 40. Page 14, line 34, by striking <(3)> and  
8 inserting <b.>  
9 41. Page 15, line 3, by striking <an individual>  
10 and inserting <an individual person>  
11 42. Page 15, line 6, by striking <individual> and  
12 inserting <individual person>  
13 43. Page 15, line 9, by striking <b.> and inserting  
14 <c.>  
15 44. Page 15, line 20, after <program.> by inserting  
16 <The rules relating to the credentialing of a person  
17 directly providing services shall require all of the  
18 following:  
19 a. The person shall provide services and represent  
20 the person as competent only within the boundaries  
21 of the person's education, training, license,  
22 certification, consultation received, supervised  
23 experience, or other relevant professional experience.  
24 b. The person shall provide services in substantive  
25 areas or use intervention techniques or approaches  
26 that are new only after engaging in appropriate  
27 study, training, consultation, and supervision from a  
28 person who is competent in those areas, techniques, or  
29 approaches.  
30 c. If generally recognized standards do not  
31 exist with respect to an emerging area of practice,  
32 the person shall exercise careful judgment and take  
33 responsible steps, including obtaining appropriate  
34 education, research, training, consultation, and  
35 supervision, in order to ensure competence and to  
36 protect from harm the persons receiving the services in  
37 the emerging area of practice.>  
38 45. Page 16, line 32, by striking <crisis> and  
39 inserting <facility and community-based crisis>  
40 46. Page 17, by striking line 15 and inserting:  
41 <(3) Peer self-help drop-in centers.>  
42 47. Page 17, line 34, by striking <a.>  
43 48. Page 18, by striking lines 9 through 25.  
44 49. Page 19, line 5, by striking <331.439E> and  
45 inserting <331.439D>  
46 50. Page 19, line 26, after <department> by  
47 inserting <of human services>  
48 51. Page 19, after line 34 by inserting:  
49 <3. a. The department of human services shall  
50 create a transition committee of appropriate

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1 stakeholders with whom to consult on the transition  
2 from the current mental health and disability services  
3 system to the regional service system as provided  
4 in this Act. The transition committee shall make  
5 recommendations to the governor and general assembly  
6 concerning the efficacy of the property tax levy and  
7 other funding provisions for the regional service  
8 system, including measures for equalization payments,  
9 growth, and addressing the effects of population  
10 shifts among the counties. In addition, the transition  
11 committee shall consider the data collected for the  
12 current system and for the new regional system and  
13 whether improvements are warranted.

14     **b.** In designating the committee members, the  
15 director of human services shall consult with the  
16 chairpersons and ranking members of the committees  
17 on human resources of the senate and house of  
18 representatives and other members of the general  
19 assembly identified by the majority or minority leader  
20 of the senate or the speaker or minority leader of the  
21 house of representatives. In addition, the membership  
22 shall include four members of the general assembly,  
23 with one each appointed by the majority and minority  
24 leader of the senate and the speaker and minority  
25 leader of the house of representatives.>

26     52. Page 20, line 2, by striking <department of  
27 human services> and inserting <department of public  
28 health>

29     53. Page 20, line 9, by striking <director of human  
30 services> and inserting <director of public health>

31     54. Page 20, line 12, after <representatives> by  
32 inserting <and other members of the general assembly  
33 identified by the majority or minority leader of the  
34 senate or the speaker or minority leader of the house  
35 of representatives>

36     55. Page 21, line 4, after <representatives> by  
37 inserting <and other members of the general assembly  
38 identified by the majority or minority leader of the  
39 senate or the speaker or minority leader of the house  
40 of representatives>

41     56. Page 21, after line 27 by inserting:

42     <Sec. \_\_\_\_\_. CHILDREN'S DISABILITY SERVICES  
43 WORKGROUP. The December 2012 report of the workgroup  
44 created by the department of human services pursuant  
45 to 2011 Iowa Acts, chapter 121, section 1, to develop  
46 a proposal for publicly funded children's disability  
47 services shall include an analysis of service and  
48 cost effects of transitioning the behavioral health  
49 intervention services formerly known as remedial  
50 services and the psychiatric medical institution

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1 for children services to the Iowa plan. The report  
2 shall also provide a specific proposal for developing  
3 services in this state to meet the needs of children  
4 who are placed out-of-state due to the lack of  
5 treatment services in this state. The workgroup  
6 membership shall be expanded to include up to four  
7 legislators, with one each appointed by the majority  
8 leader and the minority leader of the senate and  
9 the speaker and the minority leader of the house of  
10 representatives.>

11 57. Page 24, by striking lines 12 through 15 and  
12 inserting:

13 <1. a. Local access to mental health and  
14 disability services for adults shall be provided either  
15 by counties organized into a regional services system or  
16 by individual counties that are exempted as provided  
17 by this subsection. The department of human services  
18 shall encourage counties to enter into a regional  
19 system when the regional approach is likely to increase  
20 the availability of services to residents of the state  
21 who need the services. It is the intent of the general  
22 assembly that the adult residents of this state should  
23 have access to needed mental health and disability  
24 services regardless of the location of their residence.

25 b. The director of human services shall exempt a  
26 county from being required to enter into a regional  
27 service system if the county furnishes convincing  
28 evidence that the county complies with the requirements  
29 in subsection 3, paragraphs "d", "e", "f", and "g", and  
30 is able to provide the core services required by law to  
31 the county's residents in a more cost effective manner  
32 and with outcomes that are equal to or better than  
33 could be provided to the residents if the county would  
34 provide the services through a regional service system.

35 c. If a county has been exempted pursuant to  
36 this subsection from the requirement to enter into a  
37 regional service system, the county and the county's  
38 board of supervisors shall fulfill all requirements  
39 under this chapter and chapter 225C for a regional  
40 service system, regional service system management  
41 plan, regional governing board, and regional  
42 administrator, and any other provisions applicable to  
43 a region of counties providing local mental health and  
44 disability services.>

45 58. Page 24, by striking lines 20 and 21 and  
46 inserting <to the minimum number of counties if there  
47 is convincing evidence that>

48 59. Page 24, line 24, by striking <region> and  
49 inserting <region, unless exempted pursuant to  
50 subsection 1>

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1 60. Page 24, by striking lines 29 through 31.  
2 61. Page 25, lines 1 and 2, by striking <with  
3 assistance from psychiatric consultants> and inserting  
4 <through contractual arrangements with mental health  
5 professionals qualified to provide psychiatric  
6 services>  
7 62. Page 26, line 7, by striking <region> and  
8 inserting <region, unless exempted pursuant to  
9 subsection 1>  
10 63. Page 26, line 10, by striking <November 1,  
11 2012> and inserting <April 1, 2013>  
12 64. Page 26, line 11, by striking <June 30, 2015,>  
13 and inserting <June 30, 2014, unless exempted pursuant  
14 to subsection 1,>  
15 65. Page 26, line 27, by striking <access> and  
16 inserting <local access>  
17 66. Page 27, line 8, by striking <with the  
18 concurrence of> and inserting <in consultation with>  
19 67. Page 27, after line 13 by inserting:  
20 <\_. If the department determines that a region  
21 or an exempted county is not adequately fulfilling the  
22 requirements under this chapter for a regional service  
23 system, the department shall address the region or  
24 county in the following order:  
25 a. Require compliance with a corrective action  
26 plan.  
27 b. Reduce the amount of the annual state funding  
28 provided for the regional service system, not to exceed  
29 fifteen percent of the amount.  
30 c. Withdraw approval for the region or for the  
31 county exemption, as applicable.>  
32 68. Page 27, by striking lines 25 through 34 and  
33 inserting:  
34 <b. The membership of the governing board shall  
35 also include one individual who utilizes mental health  
36 and disability services or is an actively involved  
37 relative of such an individual. This member shall  
38 be designated by the advisory committee or committees  
39 formed by the governing board pursuant to this section.  
40 The member designated in accordance with this paragraph  
41 shall serve in a nonvoting, ex officio capacity.>  
42 69. Page 28, by striking lines 2 through 9 and  
43 inserting:  
44 <d. The membership of the governing board shall  
45 also consist of one member representing service  
46 providers in the region. This member shall be  
47 designated by the advisory committee or committees  
48 formed by the governing board pursuant to this section.  
49 The member designated in accordance with this paragraph  
50 shall serve in a nonvoting, ex officio capacity.>

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1 70. Page 28, line 14, after <3.> by inserting <a.>  
2 71. Page 28, line 16, after <department> by  
3 inserting <in accordance with section 225C.4,  
4 subsection 1, paragraph "u">  
5 72. Page 28, after line 22 by inserting:  
6 <b. The regional administrator staff shall  
7 include one or more coordinators of disability  
8 services. A coordinator shall possess a bachelor's  
9 or higher level degree in a human services-related  
10 or administrative-related field, including but not  
11 limited to social work, psychology, nursing, or public  
12 or business administration, from an accredited college  
13 or university. However, in lieu of a degree in public  
14 or business administration, a coordinator may provide  
15 documentation of relevant management experience. An  
16 action of a coordinator involving a clinical decision  
17 shall be made in conjunction with a professional who  
18 is trained in the delivery of the mental health or  
19 disability service addressed by the clinical decision.  
20 The regional administrator shall determine whether  
21 referral to a coordinator of disability services is  
22 required for a person seeking to access a service  
23 through a local access point of the regional service  
24 system.>  
25 73. Page 31, line 29, by striking <in the county>  
26 74. Page 31, line 35, by striking <a> and inserting  
27 <the>  
28 75. Page 32, after line 8 by inserting:  
29 <\_\_\_\_\_. "Mental health professional" means the same as  
30 defined in section 228.1.>  
31 76. Page 32, lines 11 and 12, by striking <service  
32 authorization or other services-related determination>  
33 and inserting <a dispute regarding a service  
34 authorization or other services-related decision>  
35 77. Page 32, after line 16 by inserting:  
36 <3. If a service authorization or other  
37 services-related decision made by a regional  
38 administrator concerning a person varies from the  
39 type and amount of service identified to be necessary  
40 for the person in a clinical determination made by  
41 a mental health professional and the mental health  
42 professional believes that failure to provide the  
43 type and amount of service identified could cause an  
44 immediate danger to the person's health, safety, or  
45 welfare, the person may request an expedited review of  
46 the regional administrator's decision to be made by the  
47 department of human services. An expedited review held  
48 in accordance with this subsection is subject to the  
49 following procedures:  
50 a. The request for the expedited review shall

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1 be filed within five business days of receiving the  
2 notice of decision by the regional administrator. The  
3 request must be in writing, plainly state the request  
4 for an expedited review in the caption and body of the  
5 request, and be supported by written documentation from  
6 the mental health professional who made the clinical  
7 determination stating how the notice of decision  
8 on services could cause an immediate danger to the  
9 person's health, safety, or welfare.

10     **b.** The expedited review shall be performed by  
11 a mental health professional, who is either the  
12 administrator of the division of mental health  
13 and disability services of the department of human  
14 services or the administrator's designee. If the  
15 administrator is not a mental health professional, the  
16 expedited review shall be performed by a designee of  
17 the administrator who is a mental health professional  
18 and is free of any conflict of interest to perform  
19 the expedited review. The expedited review shall be  
20 performed within two business days of the time the  
21 request is filed. The regional administrator and  
22 the person, with the assistance of the mental health  
23 professional who made the clinical determination shall  
24 each provide a brief statement of facts, conclusions,  
25 and reasons for the decision made. Supporting clinical  
26 information shall also be attached. All information  
27 related to the proceedings and any related filings  
28 shall be considered to be mental health information  
29 subject to chapter 228.

30     **c.** The administrator or designee shall issue an  
31 order, including a brief statement of findings of fact,  
32 conclusions of law, and policy reasons for the order,  
33 to justify the decision made concerning the expedited  
34 review. If the decision concurs with the contention  
35 that there is an immediate danger to the person's  
36 health, safety, or welfare, the order shall identify  
37 the type and amount of service which shall be provided  
38 for the person. The administrator or designee shall  
39 give such notice as is practicable to persons who  
40 are required to comply with the order. The order is  
41 effective when issued.

42     **d.** The decision of the administrator or designee  
43 shall be considered a final agency action and is  
44 subject to judicial review in accordance with section  
45 17A.19. The record for judicial review consists of any  
46 documents regarding the matter that were considered  
47 or prepared by the administrator or designee. The  
48 administrator or designee shall maintain these  
49 documents as the official record of the decision. If  
50 the matter is appealed to the district court, the

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1 record shall be filed as confidential.>  
2 78. Page 32, line 16, by striking <a final agency  
3 decision> and inserting <final agency action>  
4 79. Page 32, line 17, by striking <3.> and  
5 inserting <4.>  
6 80. Page 32, line 29, by striking <4.> and  
7 inserting <5.>  
8 81. Page 33, line 10, by striking <section> and  
9 inserting <subsection>  
10 82. Page 33, line 30, by striking <is a> and  
11 inserting <shall be considered>  
12 83. Page 34, line 4, by striking <section> and  
13 inserting <subsection>  
14 84. Page 34, line 25, by striking <decision> and  
15 inserting <determination>  
16 85. Page 35, after line 19 by inserting:  
17 <\_\_\_\_. "*Mental health services*" means services  
18 provided by a mental health professional operating  
19 within the scope of the professional's practice which  
20 address mental, emotional, medical, or behavioral  
21 problems.>  
22 86. Page 35, by striking lines 24 through 28.  
23 87. Page 35, by striking lines 33 through 35 and  
24 inserting <or older and has been determined by a mental  
25 health professional to need subacute mental health  
26 services.>  
27 88. Page 36, by striking lines 4 through 9 and  
28 inserting <of egress providing subacute mental health  
29 services for a period exceeding twenty-four consecutive  
30 hours to persons in need of the services.>  
31 89. Page 36, before line 10 by inserting:  
32 <\_\_\_\_. "*Subacute mental health services*" means the  
33 same as defined in section 225C.6.>  
34 90. Page 36, line 24, by striking <the residents>  
35 and inserting <persons with serious and persistent  
36 mental illness so that the persons are able to  
37 experience recovery and live successfully in the  
38 community>  
39 91. Page 36, line 29, by striking <psychiatric> and  
40 inserting <subacute mental health>  
41 92. Page 37, by striking line 4 and inserting <each  
42 resident as medically necessary and shall be>  
43 93. Page 37, by striking lines 7 through 9 and  
44 inserting <be provided by a mental health professional.  
45 The>  
46 94. Page 37, by striking lines 15 through 20.  
47 95. Page 38, by striking lines 6 through 11 and  
48 inserting:  
49 <The department shall issue a license to an  
50 applicant under this chapter if the following

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1 conditions exist:  
2 1. The department has ascertained that the  
3 applicant's facilities and staff are adequate to  
4 provide the care and services required of a subacute  
5 care facility.  
6 2. a. The department of human services has  
7 submitted written approval of the application based  
8 upon the process used by the department of human  
9 services to identify the best qualified providers. The  
10 department of human services shall utilize a request  
11 for proposals process to identify the best qualified  
12 providers, limit the number of subacute care facility  
13 beds, and ensure the geographic dispersion of subacute  
14 mental health services.  
15 b. The department of human services shall not give  
16 approval to an application which would cause the number  
17 of subacute care facility beds licensed under this  
18 chapter to exceed fifty beds.  
19 c. The subacute care facility beds identified by  
20 the request for proposals process shall be existing  
21 beds which have been awarded a certificate of need  
22 pursuant to chapter 135. Such beds shall not be  
23 required to obtain an additional certificate of need  
24 upon conversion to licensed subacute care facility  
25 beds.>  
26 96. Page 39, line 15, by striking <The> and  
27 inserting:  
28 <1. The department of inspections and appeals and  
29 the department of human services shall collaborate in  
30 establishing standards for licensing of subacute care  
31 facilities to achieve all of the following objectives:  
32 a. Subacute mental health services are provided  
33 based on sound, proven clinical practice.  
34 b. Subacute mental health services are established  
35 in a manner that allows the services to be included in  
36 the federal medical assistance state plan.  
37 2. It is the intent of the general assembly that  
38 subacute mental health services be included in the  
39 Medicaid state plan adopted for the implementation of  
40 the federal Patient Protection and Affordable Care Act,  
41 benchmark plan.  
42 3. The>  
43 97. Page 39, line 25, by striking <—  
44 confidentiality>  
45 98. By striking page 39, line 33, through page 40,  
46 line 3, and inserting <or prior to the inspection.>  
47 99. Page 42, by striking lines 18 through 24 and  
48 inserting <After the respondent's admission, the  
49 observation, medical treatment, and hospital care  
50 of the respondent may be provided by a mental health

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1 professional, as defined in section 228.1, who is  
2 licensed as a physician, advanced registered nurse  
3 practitioner, or physician assistant.>  
4 100. Page 42, by striking lines 25 through 35 and  
5 inserting:  
6 <Sec. \_\_\_\_\_. Section 225C.6, Code Supplement 2011, is  
7 amended by adding the following new subsection:  
8 NEW SUBSECTION. 4. a. The department shall  
9 coordinate with the department of inspections and  
10 appeals in the establishment of facility-based and  
11 community-based, subacute mental health services.  
12 b. A person shall not provide community-based,  
13 subacute mental health services unless the person  
14 has been accredited to provide the services. The  
15 commission shall adopt standards for subacute mental  
16 health services and for accreditation of providers of  
17 community-based, subacute mental health services.  
18 c. As used in this subsection, "subacute mental  
19 health services" means all of the following:  
20 (1) A comprehensive set of wraparound services for  
21 persons who have had or are at imminent risk of having  
22 acute or crisis mental health symptoms that do not  
23 permit the persons to remain in or threatens removal  
24 of the persons from their home and community, but who  
25 have been determined by a mental health professional  
26 and a licensed health care professional, subject to  
27 the professional's scope of practice, not to need  
28 inpatient acute hospital services. For the purposes of  
29 this subparagraph, "mental health professional" means  
30 the same as defined in section 228.1 and "licensed  
31 health care professional" means a person licensed  
32 under chapter 148 to practice medicine and surgery  
33 or osteopathic medicine and surgery, an advanced  
34 registered nurse practitioner licensed under chapter  
35 152 or 152E and registered with the board of nursing,  
36 or a physician assistant licensed to practice under the  
37 supervision of a physician as authorized in chapters  
38 147 and 148C.  
39 (2) Intensive, recovery-oriented treatment and  
40 monitoring of the person with direct or remote access  
41 to a psychiatrist, psychiatric advanced registered  
42 nurse practitioner, or nurse as needed.  
43 (3) An outcome-focused, interdisciplinary approach  
44 designed to return the person to living successfully  
45 in the community.  
46 (4) Services that may be provided in a wide array  
47 of settings ranging from the person's home to a  
48 facility providing subacute mental health services.  
49 (5) Services that are time limited to not more  
50 than ten days or another time period determined in

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1 accordance with rules adopted for this purpose.

2 d. Subacute mental health services and the  
3 standards for the services shall be established in  
4 a manner that allows for accessing federal Medicaid  
5 funding.

6 Sec. \_\_\_\_\_. SUBACUTE MENTAL HEALTH SERVICES —  
7 REIMBURSEMENT METHODOLOGY. The department of human  
8 services shall develop a reimbursement methodology for  
9 subacute mental health services, as defined in this  
10 division of this Act. It is the intent of the general  
11 assembly that the reimbursement methodology will take  
12 effect during the fiscal year beginning July 1, 2012,  
13 and result in an initial reimbursement rate in the  
14 range of \$400 to \$500 per day. Such rate shall be  
15 subject to annual adjustment as provided by law.>

16 101. Page 43, after line 7 by inserting:

17 <Sec. \_\_\_\_\_. STATE AGENCY ACTIVITIES CONCERNING  
18 SUBACUTE, CRISIS STABILIZATION, AND RESIDENTIAL CARE  
19 FACILITY SERVICES.

20 1. The department of human services shall work  
21 with the departments of public health and inspections  
22 and appeals and other relevant stakeholders to  
23 identify appropriate definitions and other regulatory  
24 provisions to address residential care facilities and  
25 both facility and nonfacility subacute and crisis  
26 stabilization services. The department shall consider  
27 the experience of the crisis stabilization program  
28 pilot project authorized by this division of this  
29 Act in identifying regulatory provisions for such  
30 programs. The appropriate department shall adopt rules  
31 to implement the provisions identified.

32 2. It is the intent of the general assembly that  
33 the Medicaid state plan adopted for the implementation  
34 of the federal Patient Protection and Affordable Care  
35 Act, Pub. L. No. 111-148, will include coverage of  
36 both facility and nonfacility subacute and crisis  
37 stabilization services.

38 3. The department of human services shall work  
39 with the entity under contract with the department  
40 to provide mental health managed care under the  
41 medical assistance program to ensure there is adequate  
42 reimbursement of both facility and nonfacility subacute  
43 and crisis stabilization services.>

44 102. Page 43, before line 8 by inserting:

45 <Sec. \_\_\_\_\_. CRISIS STABILIZATION PROGRAM PILOT  
46 PROJECT.

47 1. The department of human services shall authorize  
48 a facility-based, crisis stabilization program pilot  
49 project implemented by the regional service network  
50 initiated pursuant to 2008 Iowa Acts, chapter 1187,

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1 section 59, subsection 9. The facility operated by  
2 the program shall not be required to be licensed under  
3 chapter 135B or 231C. The purpose of the pilot project  
4 is to provide a prototype for the departments of human  
5 services, inspections and appeals, and public health  
6 to develop regulatory standards for such programs  
7 and facilities. The pilot project shall comply with  
8 appropriate standards associated with funding of the  
9 services provided by the project that are identified  
10 by the department of human services. The facility  
11 shall be limited to not more than 10 beds and shall be  
12 authorized to operate through June 30, 2013.

13 2. The network, in cooperation with the departments  
14 of human services, inspections and appeals, and  
15 public health, shall report to the governor, the  
16 general assembly, and the legislative services agency  
17 concerning the pilot project on or before December 14,  
18 2012, providing findings and recommendations. The  
19 report shall include recommendations for criteria  
20 concerning admissions, staff qualifications, staffing  
21 levels, exclusion and inclusion of service recipients,  
22 lengths of stays, transition between services, and  
23 facility requirements, and for goals and objectives for  
24 such programs and facilities.>

25 103. Page 43, after line 9 by inserting:

26 <DIVISION \_\_\_\_\_  
27 CO-OCCURRING CONDITIONS

28 Sec. \_\_\_\_\_. Section 125.10, subsection 3, Code  
29 Supplement 2011, is amended to read as follows:

30 3. Coordinate the efforts and enlist the assistance  
31 of all public and private agencies, organizations and  
32 individuals interested in the prevention of substance  
33 abuse and the treatment of substance abusers, chronic  
34 substance abusers, and intoxicated persons. The  
35 director's actions to implement this subsection shall  
36 also address the treatment needs of persons who have  
37 a mental illness, an intellectual disability, brain  
38 injury, or other co-occurring condition in addition to  
39 a substance-related disorder.

40 Sec. \_\_\_\_\_. Section 125.12, subsection 3, Code  
41 Supplement 2011, is amended to read as follows:

42 3. The director shall provide for adequate and  
43 appropriate treatment for substance abusers, chronic  
44 substance abusers, intoxicated persons, and concerned  
45 family members admitted under sections 125.33 and  
46 125.34, or under section 125.75, 125.81, or 125.91.  
47 Treatment shall not be provided at a correctional  
48 institution except for inmates. A mental health  
49 professional, as defined in section 228.1, who is  
50 employed by a treatment provider under the program

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1 may provide treatment to a person with co-occurring  
2 substance-related and mental health disorder. Such  
3 treatment may also be provided by a person employed  
4 by such a treatment provider who is receiving the  
5 supervision required to meet the definition of  
6 mental health professional but has not completed the  
7 supervision component.  
8 Sec. \_\_\_\_\_. Section 226.10, Code 2011, is amended to  
9 read as follows:  
10 **226.10 Equal treatment.**  
11 The ~~several~~ patients of the state mental health  
12 institutes, according to their different conditions  
13 of mind and body, and their respective needs, shall  
14 be provided for and treated with equal care. If in  
15 addition to mental illness a patient has a co-occurring  
16 intellectual disability, brain injury, or substance  
17 abuse disorder, the care provided shall also address  
18 the co-occurring needs.>  
19 104. Page 43, before line 10 by inserting:  
20 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following  
21 provision or provisions of this Act, being deemed of  
22 immediate importance, take effect upon enactment:  
23 1. The section of this Act authorizing a crisis  
24 stabilization program pilot project.>  
25 105. Page 74, after line 13 by inserting:  
26 <DIVISION \_\_\_\_\_  
27 PROPERTY TAX RELIEF PROVISIONS  
28 Sec. \_\_\_\_\_. NEW SECTION. 331.424D County mental  
29 health and disabilities services fund.  
30 1. For the purposes of this chapter and chapter  
31 426B, unless the context otherwise requires:  
32 a. "Base year expenditures for mental health and  
33 disabilities services" means the same as defined in  
34 section 331.438, Code Supplement 2011, minus the amount  
35 the county received from the property tax relief fund  
36 pursuant to section 426B.1, Code 2011, for the fiscal  
37 year beginning July 1, 2012.  
38 b. "County population expenditure target amount"  
39 means the product of the statewide per capita  
40 expenditure target amount multiplied by a county's  
41 general population.  
42 c. "County services fund" means a county mental  
43 health and disabilities services fund created pursuant  
44 to this section.  
45 d. "Per capita growth amount" means the amount by  
46 which the statewide per capita expenditure target  
47 amount may grow from one year to the next.  
48 e. "Statewide per capita expenditure target amount"  
49 means the dollar amount of a statewide expenditure  
50 target per person as established by statute.

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1     2. The county finance committee created in section  
2 333A.2 shall consult with the department of human  
3 services and the department of management in adopting  
4 rules and prescribing forms for administering the  
5 county services funds.

6     3. *a.* For the fiscal year beginning July 1, 2013,  
7 and succeeding fiscal years, revenues from taxes  
8 and other sources designated by a county for mental  
9 health and disabilities services shall be credited  
10 to a mental health and disabilities services fund  
11 which shall be created by the county. The board shall  
12 make appropriations from the county services fund  
13 for payment of services provided under the regional  
14 service system management plan approved pursuant to  
15 section 331.439A. The county may pay for the services  
16 in cooperation with other counties by combining  
17 appropriations from the county services fund with  
18 appropriations from the county services funds of other  
19 counties, through the county's regional administrator,  
20 or through another arrangement specified in the  
21 regional governance agreement entered into by the  
22 county under section 331.438E.

23     *b.* Appropriations specifically authorized to be  
24 made from the county services fund shall not be made  
25 from any other fund of the county.

26     4. For the fiscal year beginning July 1, 2013,  
27 and succeeding fiscal years, receipts from the state  
28 or federal government for the mental health and  
29 disabilities services administered or paid for by a  
30 county shall be credited to the county services fund,  
31 including moneys distributed to the county through the  
32 department of human services and moneys distributed  
33 pursuant to chapter 426B to the county for property tax  
34 relief.

35     5. *a.* For the fiscal year beginning July 1, 2013,  
36 and for each subsequent fiscal year, the county shall  
37 certify a levy for payment of services from the county  
38 services fund. For each fiscal year, county revenues  
39 from taxes levied by the county and credited to the  
40 county services fund shall not exceed an amount equal  
41 to the county's base year expenditures for mental  
42 health and disabilities services.

43     *b.* The county auditor and the board of supervisors  
44 shall certify the levy for the county services fund as  
45 required by paragraph "a". A levy certified under this  
46 subsection is not subject to the provisions of section  
47 331.426 or to any other provision in law authorizing a  
48 county to exceed, increase, or appeal a property tax  
49 levy limit.

50     Sec. \_\_\_\_\_. Section 331.432, subsection 3, Code

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1 Supplement 2011, is amended to read as follows:

2 3. Except as authorized in section 331.477,  
3 transfers of moneys between the county mental health,  
4 ~~mental retardation, and developmental disabilities~~  
5 services fund created pursuant to section 331.424D and  
6 any other fund are prohibited.

7 Sec. \_\_\_\_\_. Section 426B.1, subsection 2, Code 2011,  
8 is amended by striking the subsection and inserting in  
9 lieu thereof the following:

10 2. Moneys shall be distributed from the property  
11 tax relief fund to counties for the mental health and  
12 disability regional service system for providing county  
13 base property tax equivalent equalization payments and  
14 the per capita growth amount established pursuant to  
15 section 426B.3, in accordance with the appropriations  
16 made to the fund and other statutory requirements.

17 Sec. \_\_\_\_\_. Section 426B.2, subsections 1 and 2, Code  
18 2011, are amended by striking the subsections.

19 Sec. \_\_\_\_\_. Section 426B.2, subsection 3, Code 2011,  
20 is amended to read as follows:

21 3. ~~a.~~ The director of human services shall draw  
22 warrants on the property tax relief fund, payable to  
23 the county treasurer in the amount due to a county in  
24 accordance with ~~subsection 1~~ section 426B.3, and mail  
25 the warrants to the county auditors in July and January  
26 of each year.

27 ~~b. Any replacement generation tax in the property~~  
28 ~~tax relief fund as of May 1 shall be paid to the~~  
29 ~~county treasurers in July and January of the fiscal~~  
30 ~~year beginning the following July 1. The department~~  
31 ~~of management shall determine the amount each county~~  
32 ~~will be paid pursuant to this lettered paragraph~~  
33 ~~for the following fiscal year. The department shall~~  
34 ~~reduce by the determined amount the amount of each~~  
35 ~~county's certified budget to be raised by property~~  
36 ~~tax for that fiscal year which is to be expended for~~  
37 ~~mental health, mental retardation, and developmental~~  
38 ~~disabilities services and shall revise the rate of~~  
39 ~~taxation as necessary to raise the reduced amount. The~~  
40 ~~department of management shall report the reduction in~~  
41 ~~the certified budget and the revised rate of taxation~~  
42 ~~to the county auditors by June 15.~~

43 Sec. \_\_\_\_\_. Section 426B.3, Code 2011, is amended by  
44 striking the section and inserting in lieu thereof the  
45 following:

46 **426B.3A Per capita funding.**

47 1. Commencing with the fiscal year beginning July  
48 1, 2013, the state and county funding for the mental  
49 health and disability services administered or paid for  
50 by counties shall be provided based on a statewide per

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1 capita expenditure target amount computed in accordance  
2 with this section.  
3 2. The statewide per capita expenditure target  
4 amount shall consist of the sum of the following:  
5 a. A county base property tax equivalent to  
6 forty-seven dollars and twenty-eight cents per capita.  
7 Each per capita growth amount established by statute  
8 as provided in paragraph "b", shall be added to this  
9 amount.  
10 b. A per capita growth amount, which may be stated  
11 as a percentage of the prior fiscal year's county base  
12 property tax per capita amount, as established by  
13 statute.  
14 3. The per capita growth amount established  
15 by statute shall provide funding for increases in  
16 non-Medicaid expenditures from county services funds  
17 due to service costs, additional service populations,  
18 additional core service domains, and numbers of persons  
19 receiving services.  
20 4. a. For the fiscal year beginning July 1, 2013,  
21 and succeeding fiscal years, a county with a county  
22 population expenditure target amount that exceeds  
23 the amount of the county's base year expenditures for  
24 mental health and disabilities services shall receive  
25 an equalization payment for the difference.  
26 b. The equalization payments determined in  
27 accordance with this subsection shall be made by the  
28 department of human services for each fiscal year as  
29 provided in appropriations made from the property tax  
30 relief fund for this purpose.  
31 Sec. \_\_\_\_\_. REPEAL. Section 426B.6, Code Supplement  
32 2011, is repealed.  
33 Sec. \_\_\_\_\_. EFFECTIVE DATE. The following provisions  
34 of this division of this Act takes effect July 1, 2013:  
35 1. The section of this Act amending section  
36 331.432.  
37 2. The section of this Act amending section 426B.1.  
38 3. The sections of this Act amending section  
39 426B.2.  
40 4. The section of this Act amending section 426B.3.  
41 Sec. \_\_\_\_\_. APPLICABILITY. The following provisions  
42 of this division of this Act are applicable commencing  
43 with the budget and tax levy certification process for  
44 the fiscal year beginning July 1, 2013:  
45 1. The section of this Act amending section 426B.1.  
46 2. The sections of this Act amending section  
47 426B.2.  
48 3. The section of this Act amending section  
49 426B.3.  
50 106. Title page, line 4, after <regions> by

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1 inserting <, revising related property tax levy  
2 provisions,>  
3 107. By renumbering as necessary.

\_\_\_\_\_  
SCHULTE of Linn

\_\_\_\_\_  
HEATON of Henry

\_\_\_\_\_  
L. MILLER of Scott

\_\_\_\_\_  
HEDDENS of Story

\_\_\_\_\_  
WINCKLER of Scott

\_\_\_\_\_  
FRY of Clarke

\_\_\_\_\_  
M. SMITH of Marshall



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Senate File 2293

H-8414

1 Amend Senate File 2293, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 18, after line 12 by inserting:  
4 <Sec. \_\_\_\_\_. Section 522B.12, Code 2011, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 5. A person who enrolls in a  
7 qualified health benefit plan offered in this state  
8 pursuant to federal law has the option to utilize the  
9 services of an insurance producer licensed pursuant  
10 to chapter 522B. Qualified health benefit plans  
11 offered pursuant to federal law shall pay licensed  
12 insurance producers for their services at a level that  
13 is commensurate with the compensation paid to insurance  
14 producers for the placement, renewal, or enrollment of  
15 persons in health benefit plans offered pursuant to  
16 state law.>  
17 2. Page 19, after line 14 by inserting:  
18 <Sec. \_\_\_\_\_. NEW SECTION. 522D.1 Definitions.  
19 As used in this chapter, unless the context  
20 otherwise requires:  
21 1. "Commissioner" means the commissioner of  
22 insurance.  
23 2. "Navigator" means a public or private entity  
24 or an individual that is qualified and licensed, if  
25 appropriate, to engage in the activities and meet the  
26 standards described in 45 C.F.R. § 155.210.  
27 Sec. \_\_\_\_\_. NEW SECTION. 522D.2 License required.  
28 A person shall not act as a navigator in this state  
29 unless the person is licensed by the commissioner as  
30 required in this chapter.  
31 Sec. \_\_\_\_\_. NEW SECTION. 522D.3 Actions prohibited.  
32 A navigator shall not perform the functions of a  
33 person required to be licensed as an insurance producer  
34 under chapter 522B unless the navigator is licensed  
35 as a navigator pursuant to this chapter and as an  
36 insurance producer pursuant to chapter 522B.  
37 Sec. \_\_\_\_\_. NEW SECTION. 522D.4 Application for  
38 examination.  
39 1. An individual applying for a navigator license  
40 shall pass a written examination. The examination  
41 shall test the knowledge of the individual concerning  
42 the duties and responsibilities of a navigator and the  
43 insurance laws and regulations of this state. The  
44 commissioner shall adopt rules pursuant to chapter  
45 17A related to the development and conduct of the  
46 examination.  
47 2. The commissioner may make arrangements,  
48 including contracting with an outside testing service  
49 or other appropriate entity, for administering  
50 examinations and collecting fees.

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1 3. An individual applying for an examination shall  
2 remit a nonrefundable fee as established by rule of the  
3 commissioner.

4 4. An individual who fails to appear for the  
5 examination as scheduled or fails to pass the  
6 examination shall reapply for an examination and remit  
7 all required fees and forms before being rescheduled  
8 for another examination.

9 Sec. \_\_\_\_\_. NEW SECTION. 522D.5 Application for  
10 license.

11 1. A person applying for a navigator license shall  
12 make application to the commissioner on an application  
13 form approved by the commissioner and declare under  
14 penalty of refusal, suspension, or revocation of the  
15 license that the statements made on the application  
16 are true, correct, and complete to the best of the  
17 individual's knowledge and belief. Before approving  
18 the application, the commissioner shall find all of the  
19 following:

20 a. The individual is at least eighteen years of  
21 age.

22 b. The individual has not committed any act that is  
23 a ground for denial, suspension, or revocation as set  
24 forth in section 522D.7.

25 c. The individual has paid the license fee, as  
26 established by the commissioner by rule.

27 d. The individual has successfully completed the  
28 initial training and education program for a license as  
29 established by the commissioner by rule.

30 e. The individual has successfully passed the  
31 examination as provided in section 522D.4.

32 f. In order to protect the public interest, the  
33 individual has the requisite character and competence  
34 to receive a license as a navigator.

35 2. A public or private entity acting as a navigator  
36 may elect to obtain a navigator license. Application  
37 shall be made using the application form approved by  
38 the commissioner. Prior to approving the application,  
39 the commissioner shall find both of the following:

40 a. The entity has paid the appropriate fees.

41 b. The entity has designated a licensed navigator  
42 responsible for the entity's compliance with this  
43 chapter.

44 Sec. \_\_\_\_\_. NEW SECTION. 522D.6 License.

45 1. A person who meets the requirements of sections  
46 522D.4 and 522D.5, unless otherwise denied licensure  
47 pursuant to section 522D.7, shall be issued a navigator  
48 license. A navigator license is valid for three years.

49 2. A navigator license remains in effect unless  
50 revoked or suspended as long as all required fees are

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1 paid and continuing education requirements are met by  
2 any applicable due date. A navigator is required to  
3 complete continuing education requirements required by  
4 law in order to be eligible for license renewal.  
5 3. A licensed navigator who is unable to comply  
6 with license renewal procedures due to military service  
7 or other extenuating circumstances may request a waiver  
8 of those procedures. The licensed navigator may also  
9 request a waiver of any examination requirement or any  
10 other penalty or sanction imposed for failure to comply  
11 with renewal procedures.  
12 4. The license shall contain the licensee's  
13 name, address, personal identification number, the  
14 date of issuance, the expiration date, and any other  
15 information the commissioner deems necessary.  
16 5. A licensee shall inform the commissioner by any  
17 means acceptable to the commissioner of a change of  
18 legal name or address within thirty days of the change.  
19 Failure to timely inform the commissioner of a change  
20 of legal name or address may result in a penalty as  
21 specified in section 522D.7.  
22 6. The commissioner shall require by rule that  
23 a licensed navigator furnish a surety bond or other  
24 evidence of financial responsibility that protects all  
25 persons against wrongful acts, misrepresentations,  
26 errors, omissions, or negligence of the navigator.  
27 7. In order to assist with the commissioner's  
28 duties, the commissioner may contract with a  
29 nongovernmental entity, including the national  
30 association of insurance commissioners or any affiliate  
31 or subsidiary the national association of insurance  
32 commissioners oversees, to perform any ministerial  
33 functions, including the collection of fees, related  
34 to navigator licensing that the commissioner deems  
35 appropriate.  
36 Sec. \_\_\_\_\_. **NEW SECTION. 522D.7 License denial,**  
37 **nonrenewal, or revocation.**  
38 1. The commissioner may place on probation,  
39 suspend, revoke, or refuse to issue or renew a  
40 navigator's license or may levy a civil penalty as  
41 provided in section 522D.8 for any one or more of the  
42 following causes:  
43 a. Providing incorrect, misleading, incomplete,  
44 or materially untrue information in the license  
45 application.  
46 b. Violating any insurance laws, or violating any  
47 regulation, subpoena, or order of the commissioner or  
48 of a commissioner of another state.  
49 c. Obtaining or attempting to obtain a license  
50 through misrepresentation or fraud.

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1 *d.* Improperly withholding, misappropriating, or  
2 converting any moneys or properties received in the  
3 course of doing insurance business.  
4 *e.* Intentionally misrepresenting the terms of an  
5 actual or proposed insurance contract or application  
6 for insurance.  
7 *f.* Having been convicted of a felony.  
8 *g.* Having admitted or been found to have committed  
9 any unfair insurance trade practice or fraud.  
10 *h.* Using fraudulent, coercive, or dishonest  
11 practices, or demonstrating incompetence,  
12 untrustworthiness, or financial irresponsibility  
13 in the conduct of business in this state or elsewhere.  
14 *i.* Having a navigator license, or its equivalent,  
15 denied, suspended, or revoked in any other state,  
16 province, district, or territory.  
17 *j.* Forging another's name to an application for  
18 insurance or to any document related to an insurance  
19 transaction.  
20 *k.* Improperly using notes or any other reference  
21 material to complete an examination for a navigator  
22 license.  
23 *l.* Failing to comply with an administrative or  
24 court order imposing a child support obligation.  
25 *m.* Failing to comply with an administrative or  
26 court order related to repayment of loans to the  
27 college student aid commission.  
28 *n.* Failing to pay state income tax or comply with  
29 any administrative or court order directing payment of  
30 state income tax.  
31 *o.* Failing or refusing to cooperate in an  
32 investigation by the commissioner.  
33 2. If the commissioner does not renew a license or  
34 denies an application for a license, the commissioner  
35 shall notify the applicant or licensee and advise,  
36 in writing, the licensee or applicant of the reason  
37 for the nonrenewal of the license or denial of the  
38 application for a license. The licensee or applicant  
39 may request a hearing on the nonrenewal or denial. A  
40 hearing shall be conducted according to section 507B.6.  
41 3. The license of a public or private entity  
42 operating as a navigator may be suspended, revoked,  
43 or refused if the commissioner finds, after hearing,  
44 that an individual navigator licensee's violation was  
45 known or should have been known by a partner, officer,  
46 or manager acting on behalf of the entity and the  
47 violation was not reported to the commissioner and  
48 corrective action was not taken.  
49 4. In addition to, or in lieu of, any applicable  
50 denial, suspension, or revocation of a license, a

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1 person, after hearing, may be subject to a civil  
2 penalty as provided in section 522D.8.  
3 5. The commissioner may conduct an investigation  
4 of any suspected violation of this chapter pursuant  
5 to section 507B.6 and may enforce the provisions and  
6 impose any penalty or remedy authorized by this chapter  
7 and chapter 507B against any person who is under  
8 investigation for, or charged with, a violation of  
9 either chapter even if the person's license has been  
10 surrendered or has lapsed by operation of law.  
11 6. a. In order to assure a free flow of  
12 information for accomplishing the purposes of this  
13 section, all complaint files, investigation files,  
14 other investigation reports, and other investigative  
15 information in the possession of the commissioner or  
16 the commissioner's employees or agents that relates to  
17 licensee discipline are privileged and confidential,  
18 and are not subject to discovery, subpoena, or  
19 other means of legal compulsion for their release  
20 to a person other than the licensee, and are not  
21 admissible in evidence in a judicial or administrative  
22 proceeding other than the proceeding involving  
23 licensee discipline. A final written decision of the  
24 commissioner in a disciplinary proceeding is a public  
25 record.  
26 b. Investigative information in the possession  
27 of the commissioner or the commissioner's employees  
28 or agents that relates to licensee discipline may  
29 be disclosed, in the commissioner's discretion, to  
30 appropriate licensing authorities within this state,  
31 the appropriate licensing authority in another state,  
32 the District of Columbia, or a territory or country in  
33 which the licensee is licensed or has applied for a  
34 license.  
35 c. If the investigative information in the  
36 possession of the commissioner or the commissioner's  
37 employees or agents indicates a crime has been  
38 committed, the information shall be reported to the  
39 proper law enforcement agency.  
40 d. Pursuant to the provisions of section 17A.19,  
41 subsection 6, upon an appeal by the licensee, the  
42 commissioner shall transmit the entire record of the  
43 contested case to the reviewing court.  
44 e. Notwithstanding the provisions of section  
45 17A.19, subsection 6, if a waiver of privilege has  
46 been involuntary and evidence has been received at a  
47 disciplinary hearing, the court shall issue an order to  
48 withhold the identity of the individual whose privilege  
49 was waived.  
50 Sec. \_\_\_\_\_. NEW SECTION. 522D.8 Cease and desist

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1 **orders — penalties.**

2 1. A navigator who, after hearing, is found to have  
3 violated this chapter, may be ordered to cease and  
4 desist from engaging in the conduct resulting in the  
5 violation and may be assessed a civil penalty pursuant  
6 to chapter 507B.

7 2. If a person does not comply with an order issued  
8 pursuant to this section, the commissioner may petition  
9 a court of competent jurisdiction to enforce the order.  
10 The court shall not require the commissioner to post  
11 a bond in an action or proceeding under this section.  
12 If the court finds, after notice and opportunity for  
13 hearing, that the person is not in compliance with an  
14 order, the court may adjudge the person to be in civil  
15 contempt of the order. The court may impose a civil  
16 penalty against the person for contempt in an amount  
17 not less than three thousand dollars but not greater  
18 than ten thousand dollars for each violation and may  
19 grant any other relief that the court determines is  
20 just and proper in the circumstances.

21 **Sec. \_\_\_\_.** **NEW SECTION. 522D.9 Injunctive relief.**

22 1. A person may bring an action in district court  
23 to enjoin another person from acting as a navigator in  
24 violation of section 522D.2. However, before bringing  
25 an action in district court to enjoin a person pursuant  
26 to this section, the person shall file a complaint with  
27 the insurance division alleging that another person is  
28 acting as a navigator in violation of section 522D.2.

29 2. If the division makes a determination to proceed  
30 administratively against the person for a violation  
31 of section 522D.2, the complainant shall not bring an  
32 action in district court against the person pursuant to  
33 this section based upon the allegations contained in  
34 the complaint filed with the division.

35 3. If the division does not make a determination  
36 to proceed administratively against the person for  
37 a violation of section 522D.2, the division shall  
38 issue, by ninety days from the date of filing of the  
39 complaint, a release to the complainant that permits  
40 the complainant to bring an action in district court  
41 pursuant to this section.

42 4. The filing of a complaint with the division  
43 pursuant to this section tolls the statute of  
44 limitations pursuant to section 614.1 as to the alleged  
45 violation for a period of one hundred twenty days from  
46 the date of filing the complaint.

47 5. Any action brought in district court by a  
48 complainant against a person pursuant to this section,  
49 based upon the allegations contained in the complaint  
50 filed with the division, shall be brought within one

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1 year after the ninety-day period following the filing  
2 of the complaint with the division, or the date of the  
3 issuance of a release by the division, whichever is  
4 earlier.

5 6. If the court finds that the person is in  
6 violation of section 522D.2 and enjoins the person from  
7 acting as a navigator in violation of that section,  
8 the court's findings of fact and law, and the judgment  
9 and decree, when final, shall be admissible in any  
10 proceeding initiated pursuant to section 522D.8 by the  
11 commissioner against the person enjoined and the person  
12 enjoined shall be precluded from contesting in that  
13 proceeding the court's determination that the person  
14 acted as a navigator in violation of section 522D.2.

15 Sec. \_\_\_\_\_. **NEW SECTION. 522D.10 Rules.**

16 The commissioner may adopt rules pursuant to  
17 chapter 17A as are necessary or proper to carry out the  
18 purposes of this chapter.

19 Sec. \_\_\_\_\_. **NEW SECTION. 522D.11 Severability.**

20 If any provision of this chapter or its application  
21 to any person or circumstance is held invalid by a  
22 court of competent jurisdiction or by federal law,  
23 the invalidity does not affect other provisions or  
24 applications of the chapter that can be given effect  
25 without the invalid provision or application, and to  
26 this end the provisions of the chapter are severable  
27 and the valid provisions or applications shall remain  
28 in full force and effect.

29 Sec. \_\_\_\_\_. **NEW SECTION. 522D.12 Future repeal.**

30 If the federal law requiring the establishment  
31 of an exchange in each state is repealed by federal  
32 legislation or is ruled invalid by a decision of the  
33 United States supreme court, the commissioner shall  
34 notify the Iowa Code editor of the effective date of  
35 the repeal or the date of the ruling. This chapter  
36 is repealed on the effective date of such federal  
37 legislation or the date of the United States supreme  
38 court decision.>

39 3. Page 21, after line 18 by inserting:

40 Sec. \_\_\_\_\_. **EFFECTIVE DATE.** The following provision  
41 or provisions of this Act take effect July 1, 2013:

42 1. The sections of this Act enacting chapter 522D.>

43 4. By renumbering as necessary.

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House File 2399

S-5159

1 Amend House File 2399, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 4, after <agency> by inserting <or  
4 other officer or employee designated by a county or  
5 city to enforce this section>  
6 2. Page 2, line 5, after <agency> by inserting <or  
7 designated officer or employee of a county or city>  
8 3. Page 2, line 6, by striking <a criminal> and  
9 inserting <an>  
10 4. Page 2, line 7, after <agency> by inserting <or  
11 designated officer or employee of a county or city>  
12 5. Page 2, line 9, after <in> by inserting  
13 <enforcement of this section or>  
14 6. Page 3, after line 7 by inserting:  
15 <Sec. \_\_\_\_\_. Section 805.8C, Code 2011, is amended by  
16 adding the following new subsection:  
17 NEW SUBSECTION. 9. *Scrap metal transaction*  
18 *violations.* For violations of section 714.27, the  
19 scheduled fine is one hundred dollars for a first  
20 violation, five hundred dollars for a second violation  
21 within two years, and one thousand dollars for a  
22 third or subsequent violation within two years. The  
23 scheduled fine under this subsection is a civil penalty  
24 which shall be deposited into the general fund of the  
25 county or city if imposed by a designated officer or  
26 employee of a county or city, or deposited in the  
27 general fund of the state if imposed by a state law  
28 enforcement agency, and the criminal penalty surcharge  
29 under section 911.1 shall not be added to the penalty.>  
30 7. By renumbering as necessary.

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TOM HANCOCK

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House File 2399

S-5160

1 Amend House File 2399, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 30, before <The> by inserting <a.>  
4 2. Page 2, after line 32 by inserting:  
5 <b. Notwithstanding paragraph "a" of this  
6 subsection, a city ordinance regarding scrap metal or  
7 other scrap material in effect prior to January 1,  
8 2012, in a city with a population exceeding one hundred  
9 fifty thousand as shown by the 2010 federal decennial  
10 census may continue to be enforced by the city which  
11 adopted it.>

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TOM HANCOCK



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Senate File 2237

S-5161

1 Amend the House amendment, S-5153, to Senate File  
2 2237, as passed by the Senate, as follows:  
3 1. Page 1, after line 2 by inserting:  
4 <\_\_\_\_. Page 1, after line 15 by inserting:  
5 <Sec. \_\_\_\_\_. Section 99B.7, subsection 3, paragraph  
6 a, Code Supplement 2011, is amended to read as follows:  
7 a. (1) A person wishing to conduct games and  
8 raffles pursuant to this section as a qualified  
9 organization shall submit an application and a license  
10 fee of one hundred fifty dollars. The annual license  
11 fee for a statewide raffle license shall be one  
12 hundred fifty dollars. However, upon submission of an  
13 application accompanied by a license fee of fifteen  
14 dollars, a person may be issued a limited license  
15 to conduct all games and raffles pursuant to this  
16 section at a specified location and during a specified  
17 period of fourteen consecutive calendar days, except  
18 that a bingo occasion may only be conducted once per  
19 each seven consecutive calendar days of the specified  
20 period. In addition, a qualified organization may be  
21 issued a limited license to conduct raffles pursuant to  
22 this section for a period of ninety days for a license  
23 fee of forty dollars or for a period of one hundred  
24 eighty days for a license fee of seventy-five dollars.  
25 For the purposes of this paragraph, a limited license  
26 is deemed to be issued on the first day of the period  
27 for which the license is issued.  
28 (2) A qualified organization representing veterans  
29 is exempt from assessment and payment of a license fee  
30 under this paragraph.>>  
31 2. Page 1, after line 9 by inserting:  
32 <Sec. \_\_\_\_\_. Section 423.3, subsection 78, paragraph  
33 c, Code Supplement 2011, is amended to read as follows:  
34 c. This exemption does not apply to the sales price  
35 from games of skill, games of chance, raffles, and  
36 bingo games as defined in chapter 99B. However, this  
37 exemption does apply to the sales price from raffles  
38 as defined in chapter 99B conducted by a qualified  
39 organization representing veterans that is exempt from  
40 federal income tax under section 501(c)(19) of the  
41 Internal Revenue Code if the profits from the sales  
42 price are used for educational purposes to include  
43 providing scholarships.  
44 d. This exemption is disallowed on the amount of  
45 the sales price only to the extent the profits from the  
46 sales, rental, or services are not used by or donated  
47 to the appropriate entity and expended for educational,  
48 religious, or charitable purposes.>>  
49 3. Page 1, line 13, after <organizations> by  
50 inserting <, concerning fees and taxes applicable to

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1 qualified veterans organizations for conducting certain  
2 games and raffles,>  
3 4. By renumbering as necessary.

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TIM KAPUCIAN

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STEVEN SODDERS



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Senate File 2329

S-5162

1 Amend Senate File 2329 as follows:  
2 1. Page 3, line 11, after <dollars.> by inserting  
3 <In addition, the facility shall not qualify as a  
4 baseball and softball tournament facility and movie  
5 site if the facility or the owner or operator receives  
6 any tax incentive from the state or participates in  
7 any tax incentive program offered by the state, not  
8 including the sales tax rebate provided pursuant to  
9 this subsection.>

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MARK CHELGREN



Iowa General Assembly  
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Senate File 2317

S-5163

1 Amend the amendment, S-5152, to Senate File 2317,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, after line 7 by inserting:  
5 < \_\_\_\_\_. By striking page 12, line 10, through page  
6 13, line 18, and inserting:  
7 <Sec. \_\_\_\_\_. Section 483A.24, subsections 3 and  
8 4, Code Supplement 2011, are amended by striking  
9 the subsections and inserting in lieu thereof the  
10 following:  
11 3. The department shall make available for issuance  
12 seventy-five nonresident deer hunting licenses  
13 and seventy-five wild turkey hunting licenses to  
14 nonresidents who have served in the armed forces of  
15 the United States on active federal service and who  
16 were disabled during the veteran's military service  
17 or who are serving in the armed forces of the United  
18 States on active federal service and have been disabled  
19 during military service to enable the disabled person  
20 to participate in a hunt that is conducted by an  
21 organization that conducts hunting experiences in this  
22 state for disabled persons. The licenses shall be  
23 issued as follows:  
24 a. The department shall prepare an application to  
25 be used by a person requesting a special license under  
26 this subsection.  
27 (1) The department shall verify that the license  
28 will be used by the applicant in connection with  
29 a hunt conducted by an approved organization that  
30 conducts hunting experiences in this state for disabled  
31 veterans and members of the armed forces serving on  
32 active federal service who have been disabled during  
33 military service. The department shall specify, by  
34 rules adopted under chapter 17A, what requirements  
35 an organization must meet in order to be approved to  
36 conduct hunts for disabled persons who obtain licenses  
37 under this subsection.  
38 (2) The department of veterans affairs shall assist  
39 the department in verifying the status or claims of  
40 applicants under this subsection. As used in this  
41 subsection, "disabled" means entitled to a service  
42 connected rating under 38 U.S.C. ch. 11 with a degree  
43 of disability of thirty percent or more.  
44 b. A license issued under this subsection shall be  
45 in addition to the number of nonresident wild turkey  
46 hunting licenses authorized pursuant to section 483A.7  
47 and nonresident deer hunting licenses authorized  
48 pursuant to section 483A.8. However, a nonresident  
49 who obtains a license pursuant to this subsection is  
50 not eligible to obtain a nonresident deer hunting

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1 license or wild turkey hunting license under any other  
2 provision of law.  
3     *c.* A disabled person who receives a special license  
4 under this subsection shall purchase a hunting license,  
5 and a wild turkey hunting license or a deer hunting  
6 license, if applicable, and pay the wildlife habitat  
7 fee, all for the same fee that is charged to resident  
8 hunters. If hunting deer, the disabled person shall  
9 also pay a one dollar fee that shall be used and is  
10 appropriated for the purpose of deer herd population  
11 management, including assisting with the cost of  
12 processing deer donated to the help us stop hunger  
13 program administered by the commission.  
14     *d.* A special hunting license shall be available for  
15 issuance under this subsection to a disabled veteran or  
16 disabled member of the armed forces serving on active  
17 federal service for the same fee that is charged to  
18 a resident hunter to enable such a disabled person  
19 to participate in a hunt conducted by an organization  
20 approved under this subsection for which only a hunting  
21 license is required.  
22     *e.* A disabled person who receives a special license  
23 under this subsection shall complete the hunter safety  
24 and ethics education course.  
25     *f.* A license issued under this subsection is valid  
26 for use only on a hunt conducted by an organization  
27 approved under this subsection.  
28     *g.* The commission shall adopt rules under chapter  
29 17A for the administration of this subsection.>>  
30     2. By renumbering as necessary.

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KENT SORENSON



Iowa General Assembly  
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House Amendment to  
Senate File 2311

S-5164

- 1 Amend Senate File 2311, as passed by the Senate, as  
2 follows:  
3 1. Page 54, after line 17 by inserting:  
4 <DIVISION \_\_\_\_\_  
5 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK  
6 FUND BOARD  
7 Sec. \_\_\_\_\_. Section 455G.4, subsection 1, paragraph  
8 a, subparagraphs (4) and (5), Code Supplement 2011, are  
9 amended to read as follows:  
10 (4) ~~Two~~ Three public members appointed by the  
11 governor and confirmed by the senate to staggered  
12 four-year terms, except that, of the first members  
13 appointed, one public member shall be appointed for a  
14 term of two years and one for a term of four years. A  
15 public member shall have experience, knowledge, and  
16 expertise of the subject matter embraced within this  
17 chapter. ~~The two~~ A public members shall member may  
18 have experience in either, or both, financial markets  
19 or insurance.  
20 (5) ~~Two~~ Three owners or operators appointed by the  
21 governor, two of which shall be designated as follows:  
22 (a) One member shall be an owner or operator who is  
23 self-insured.  
24 (b) One member shall be a member of the petroleum  
25 marketers and convenience stores of Iowa or its  
26 designee.>  
27 2. By renumbering as necessary.

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House Amendment to  
Senate File 2318

S-5165

- 1 Amend Senate File 2318, as passed by the Senate, as
- 2 follows:
- 3 1. Page 13, by striking lines 6 through 15.
- 4 2. By renumbering as necessary.



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Senate File 2284

S-5166

1 Amend Senate File 2284 as follows:  
2 1. Page 1, line 8, by striking <a> and inserting  
3 <an enrolled>  
4 2. Page 2, after line 1 by inserting:  
5 <Sec. \_\_\_\_\_. COMPETENCY-BASED INSTRUCTION TASK FORCE.  
6 1. The superintendents of the school districts  
7 that have been approved by the department of education  
8 to implement competency-based instruction shall  
9 appoint a task force to conduct a study regarding  
10 competency-based instruction standards and options  
11 and the integration of competency-based instruction  
12 with the Iowa core curriculum, and to develop related  
13 assessment models and professional development focused  
14 on competency-based instruction.  
15 2. At a minimum, the task force shall do all of the  
16 following:  
17 a. Redefine the Carnegie unit into competencies.  
18 b. Construct personal learning plans and templates.  
19 c. Develop student-centered accountability and  
20 assessment models.  
21 d. Empower learning through technology.  
22 e. Develop supports and professional development  
23 for educators to transition to a competency-based  
24 system.  
25 3. The task force shall be comprised of at least  
26 twelve members, nine of whom shall represent education  
27 stakeholders and practitioners knowledgeable about  
28 the Iowa core curriculum; one of whom shall be the  
29 deputy director and administrator of the division of  
30 learning and results of the department of education  
31 or the deputy director's designee; one of whom shall  
32 represent the area education agencies; and one of whom  
33 shall represent the Iowa state education association.  
34 4. The person representing the area education  
35 agency shall convene the initial meeting. The task  
36 force shall elect one of its members as chairperson.  
37 After the initial meeting, the task force shall  
38 meet at the time and place specified by call of the  
39 chairperson. The department of education shall provide  
40 staffing services for the task force.  
41 5. a. The task force shall submit a preliminary  
42 report that includes but is not limited to its  
43 findings and recommendations relating to subsection 2,  
44 paragraphs "b", "d", and "e", by January 15, 2013.  
45 b. The task force shall submit its plan, findings,  
46 models, and recommendations in a final report to the  
47 state board of education, the governor, and the general  
48 assembly by November 15, 2013.  
49 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The  
50 section of this division of this Act relating to a

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1 competency-based task force, being deemed of immediate  
2 importance, takes effect upon enactment.>  
3 3. Page 2, after line 3 by inserting:  
4 <Sec. \_\_\_\_\_. Section 256.7, subsection 21, paragraph  
5 b, Code Supplement 2011, is amended to read as follows:  
6 b. A set of core academic indicators in mathematics  
7 and reading in grades four, eight, and eleven, a set  
8 of core academic indicators in science in grades eight  
9 and eleven, and another set of core indicators that  
10 includes, but is not limited to, graduation rate,  
11 postsecondary education, and successful employment in  
12 Iowa. Rules adopted pursuant to this subsection shall  
13 specify that the approved district-wide assessment of  
14 student progress administered for purposes of this  
15 paragraph shall be the assessment utilized by school  
16 districts statewide in the school year beginning July  
17 1, 2011. Annually, the department shall report state  
18 data for each indicator in the condition of education  
19 report.>  
20 4. Page 2, line 6, by striking <curriculum> and  
21 inserting <curriculum, if funds are appropriated by the  
22 general assembly for that purpose,>  
23 5. Page 2, lines 29 and 30, by striking <character  
24 education,>  
25 6. Page 2, after line 35 by inserting:  
26 <(3) The provisions of section 256.18 shall be  
27 considered by the state board in developing the core  
28 curriculum requirements.>  
29 7. By striking page 4, line 17, through page 5,  
30 line 17.  
31 8. By striking page 5, line 20, through page 6,  
32 line 7.  
33 9. Page 7, line 3, by striking <which> and  
34 inserting <which, if funds are appropriated by the  
35 general assembly,>  
36 10. Page 7, line 5, after <committees> by inserting  
37 <and school boards>  
38 11. Page 7, by striking lines 19 through 22  
39 and inserting <quality professional development  
40 opportunities. Not less than four hours in each month  
41 of the school calendar, held outside the minimum school  
42 day, shall be set aside during nonpreparation time  
43 or designated professional development time to allow  
44 practitioners to collaborate with each other to deliver  
45 educational programs and assess student learning, or  
46 to engage in peer review pursuant to section 284.8,  
47 subsection 1. The goal>  
48 12. Page 7, by striking line 35 and inserting:  
49 <Sec. \_\_\_\_\_. Section 284.8, subsection 1, Code 2011,  
50 is>

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1 13. Page 8, line 15, by striking <The> and  
2 inserting <If funds are appropriated by the general  
3 assembly, the>  
4 14. By striking page 8, line 29, through page 9,  
5 line 8.  
6 15. Page 9, line 12, by striking <1.>  
7 16. Page 9, by striking lines 27 through 29.  
8 17. Page 9, line 31, by striking <The> and  
9 inserting:  
10 <1. If funds are appropriated by the general  
11 assembly, the>  
12 18. Page 9, by striking line 32 and inserting  
13 <convene a task force to>  
14 19. By striking page 9, line 34, through page  
15 10, line 5, and inserting <system and a statewide  
16 administrator evaluation system.  
17 2. The task force shall be comprised of at least  
18 twelve members as follows:  
19 a. Nine members shall be appointed by the director  
20 to represent education stakeholders and practitioners  
21 knowledgeable about the Iowa core curriculum and may  
22 include members currently serving on the department's  
23 teacher quality partnership teacher evaluation team.  
24 b. One member shall be the deputy director and  
25 administrator of the division of learning and results,  
26 of the department of education or the deputy director's  
27 designee.  
28 c. One member shall represent the area education  
29 agencies.  
30 d. One member shall represent the Iowa state  
31 education association.  
32 3. The person representing the area education  
33 agency shall convene the initial meeting. The task  
34 force shall elect one of its members as chairperson.  
35 After the initial meeting, the task force shall  
36 meet at the time and place specified by call of the  
37 chairperson. The department of education shall provide  
38 staffing services for the task force.  
39 4. To the extent>  
40 20. Page 10, line 8, after <69.16C.> by inserting:  
41 <5. The task force shall develop a statewide  
42 teacher evaluation system and a statewide administrator  
43 evaluation system that standardize the instruments and  
44 processes used by school districts, charter schools,  
45 and accredited nonpublic schools throughout the  
46 state to evaluate teachers and administrators. The  
47 components of the statewide teacher evaluation system  
48 shall include but not be limited to the following:  
49 a. Direct observation of classroom teaching  
50 behaviors.

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1 b. Balanced consideration of student growth  
2 measures, when available for tested subjects and  
3 grades, to supplement direct observation of classroom  
4 teaching behaviors.  
5 c. Integration of the Iowa teaching standards.  
6 d. System applicability to teachers in all content  
7 areas taught in a school.  
8 6.>  
9 21. Page 10, line 12, before <The> by inserting:  
10 <7.>  
11 22. Page 10, line 17, by striking <The> and  
12 inserting <If funds are appropriated by the general  
13 assembly, the>  
14 23. Page 11, line 24, after <examiners,> by  
15 inserting <an organization representing school boards,  
16 the>  
17 24. Page 12, line 2, by striking <The> and  
18 inserting <If funds are appropriated by the general  
19 assembly, the>  
20 25. Page 12, line 9, after <teachers,> by inserting  
21 <an organization representing school boards,>  
22 26. By striking page 13, line 13, through page 15,  
23 line 33, and inserting:  
24 <Sec. \_\_\_\_\_. Section 256.2, Code 2011, is amended by  
25 adding the following new subsection:  
26 NEW SUBSECTION. 2A. "Online learning" and "online  
27 coursework" mean educational instruction and content  
28 which is delivered primarily over the internet.  
29 "Online learning" and "online coursework" do not include  
30 printed-based correspondence education, broadcast  
31 television or radio, videocassettes, or stand-alone  
32 educational software programs that do not have a  
33 significant internet-based instructional component.  
34 Sec. \_\_\_\_\_. Section 256.7, Code Supplement 2011, is  
35 amended by adding the following new subsection:  
36 NEW SUBSECTION. 33. Adopt rules for online  
37 learning in accordance with sections 256.24 and  
38 256.24A.  
39 Sec. \_\_\_\_\_. Section 256.7, subsection 7, paragraph d,  
40 Code Supplement 2011, is amended to read as follows:  
41 d. For the ~~purpose purposes of the rules adopted~~  
42 ~~by the state board, telecommunications this chapter,~~  
43 "telecommunications" means narrowcast communications  
44 through systems that are directed toward a narrowly  
45 defined audience and includes interactive live  
46 communications. For purposes of this chapter,  
47 "telecommunications" does not include online learning.>  
48 27. Page 16, line 2, after <districts> by inserting  
49 <and accredited nonpublic schools>  
50 28. Page 16, after line 7 by inserting:

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1 <\_\_\_\_. The initiative shall include an online  
2 learning program model designed to prepare teachers  
3 to meet the needs of students in an online learning  
4 environment, including but not limited to building  
5 community interaction and support, developing  
6 strategies for working with virtual students, and  
7 assessing virtual students.>  
8 29. Page 16, by striking lines 9 through 11 and  
9 inserting <be taught by a teacher licensed under  
10 chapter 272 who has completed an online-learning>  
11 30. Page 16, after line 14 by inserting:  
12 <\_\_\_\_. Each participating school district and  
13 accredited nonpublic school shall submit its online  
14 curricula to the department for review. Each  
15 participating school district and accredited nonpublic  
16 school shall include in its comprehensive school  
17 improvement plan submitted pursuant to section 256.7,  
18 subsection 21, a list and description of the online  
19 coursework offered by the district.>  
20 31. Page 16, line 16, after <district> by inserting  
21 <or accredited nonpublic school>  
22 32. Page 16, line 20, after <district> by inserting  
23 <or school>  
24 33. Page 16, line 24, after <district> by inserting  
25 <or accredited nonpublic school>  
26 34. Page 16, after line 32 by inserting:  
27 <Sec. \_\_\_\_\_. NEW SECTION. 256.24A Online learning  
28 requirements — legislative findings and declarations.  
29 1. The general assembly finds and declares the  
30 following:  
31 a. That prior legislative enactments on the use of  
32 telecommunications in elementary and secondary school  
33 classes and courses did not contemplate and were not  
34 intended to authorize participation in open enrollment  
35 under section 282.18 for purposes of attending  
36 online schools, contracts to provide exclusively or  
37 predominantly online coursework to students, or online  
38 coursework that does not use teachers licensed under  
39 chapter 272 for instruction and supervision.  
40 b. That online learning technology has moved  
41 ahead of Iowa's statutory framework and the current  
42 administrative rules of the state board, promulgated  
43 over twenty years ago, are inadequate to regulate  
44 today's virtual opportunities.  
45 c. That telecommunications and online learning are  
46 important educational tools to supplement but not to  
47 replace education provided by teachers licensed under  
48 chapter 272.  
49 d. That the use of telecommunications and online  
50 learning to replace education provided by teachers

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1 licensed under chapter 272 is not an effective use of  
2 taxpayer money, increases the cost of administrative  
3 oversight by state and local education officials,  
4 and is not in the best interests of students or their  
5 educational success.

6 2. A student who participates in open enrollment  
7 under section 282.18 shall not receive more than fifty  
8 percent of the student's coursework through online  
9 learning.

10 3. A resident student shall not receive more  
11 than fifty percent of the student's coursework  
12 through online learning unless the school district  
13 determines that the student's circumstances make  
14 such online learning necessary and appropriate for  
15 medical, disciplinary, safety, drop-out prevention, or  
16 enrichment purposes.

17 4. Online learning curricula shall be provided and  
18 supervised by a teacher licensed under chapter 272.>

19 35. Page 17, after line 4 by inserting:

20 <Sec. \_\_\_\_\_. Section 257.6, subsection 1, paragraph  
21 a, Code 2011, is amended by adding the following new  
22 subparagraph:

23 NEW SUBPARAGRAPH. (8) A student participating  
24 in open enrollment under section 282.18, who receives  
25 more than fifty percent of the student's coursework as  
26 online coursework, as defined in section 256.2, shall  
27 be counted as three-tenths of one pupil.>

28 36. Page 17, by striking lines 5 through 13.

29 37. Page 18, by striking lines 23 and 24 and  
30 inserting <issued by the board of educational examiners  
31 for employment the following:>

32 38. Page 19, by striking lines 7 through 16 and  
33 inserting:

34 <NEW SUBSECTION. 36. Implement continuous  
35 improvement in every undergraduate program offered by  
36 an institution of higher education governed by the  
37 board.

38 a. A continuous improvement plan shall be developed  
39 and implemented built upon the results of the  
40 institution's student outcomes assessment program using  
41 the following phase-in timeline:

42 (1) For each course with typical annual enrollment  
43 of three hundred or more, whether in one or multiple  
44 sections, a continuous improvement plan shall be  
45 developed and implemented beginning in the fall  
46 semester of 2013.

47 (2) For each course with typical annual enrollment  
48 of two hundred or more but less than three hundred,  
49 whether in one or multiple sections, a continuous  
50 improvement plan shall be developed and implemented

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1 beginning in the fall semester of 2014.  
2 (3) For each course with a typical annual  
3 enrollment of one hundred or more but less than  
4 two hundred, whether in one or multiple sections, a  
5 continuous improvement plan shall be developed and  
6 implemented beginning in the fall semester of 2015.  
7 b. For each undergraduate course the institution  
8 shall collect and use the results of formative and  
9 summative assessments in its continuous improvement  
10 plan. The board shall annually evaluate the  
11 effectiveness of the plans and shall submit an  
12 executive summary of its findings and recommendations  
13 in its annual strategic plan progress report, a copy of  
14 which shall be submitted to the general assembly.>  
15 39. Page 20, after line 10 by inserting:  
16 <Sec. \_\_\_\_\_. NEW SECTION. 262.94 College readiness  
17 and awareness programs.  
18 The state board of regents may establish or  
19 contract to establish programs designed to increase  
20 college readiness and college awareness in potential  
21 first-generation college students and underrepresented  
22 populations. The programs may include but shall not  
23 be limited to college go center programs and science  
24 bound programs.>  
25 40. Page 20, line 32, by striking <sufficient>  
26 41. Page 22, after line 4 by inserting:  
27 <Sec. \_\_\_\_\_. Section 256.44, subsection 1, unnumbered  
28 paragraph 1, Code 2011, is amended to read as follows:  
29 A national board certification pilot project is  
30 established to be administered by the department of  
31 education. A if funds are appropriated by the general  
32 assembly, a teacher, as defined in section 272.1,  
33 who registers for or achieves national board for  
34 professional teaching standards certification, and who  
35 is employed by a school district in Iowa and receiving  
36 a salary as a classroom teacher, may be eligible for  
37 the following:>  
38 42. Page 23, line 18, by striking <sufficient>  
39 43. Page 23, line 19, by striking <center> and  
40 inserting <center.  
41 (1) The purpose of the center shall be>  
42 44. Page 23, by striking lines 22 through 26 and  
43 inserting:  
44 <(a) Instructional strategies for prekindergarten  
45 through grade twelve to achieve literacy proficiency  
46 that includes reading, reading comprehension, and  
47 writing for all students.  
48 (b) Strategies for identifying and providing  
49 evidence-based interventions for students, beginning in  
50 kindergarten, who are at risk of not achieving literacy

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1 proficiency.  
2 (c) Models for effective school and community  
3 partnerships to improve student literacy.  
4 (d) Reading assessments.  
5 (e) Professional development strategies and  
6 materials to support teacher effectiveness in student  
7 literacy development.  
8 (f) Data reports on attendance center,  
9 school district, and statewide progress toward  
10 literacy proficiency in the context of student,  
11 attendance center, and school district demographic  
12 characteristics.  
13 (2) The first efforts of the center shall focus on  
14 kindergarten through grade three. The center shall  
15 draw upon national and state expertise in the field of  
16 literacy proficiency, including experts from Iowa's  
17 institutions of higher education and area education  
18 agencies with backgrounds in literacy development.  
19 The center shall seek support from the Iowa research  
20 community in data report development and analysis  
21 of available information from Iowa education data  
22 sources. The center shall work with the department  
23 to identify additional needs for tools and technical  
24 assistance for Iowa schools to help schools achieve  
25 literacy proficiency goals and seek public and private  
26 partnerships in developing and accessing necessary  
27 tools and technical assistance.  
28 45. Page 23, line 31, by striking <Each> and  
29 inserting <If funds for such purpose are appropriated  
30 by the general assembly, each>  
31 46. Page 23, line 34, after <district.> by  
32 inserting <The assessment shall be aligned with state  
33 early learning standards and preschool programs shall  
34 be encouraged to administer the assessment at least at  
35 the beginning and end of the preschool program, with  
36 the assessment information entered into the statewide  
37 longitudinal data system. The department shall work  
38 to develop agreements with head start programs to  
39 incorporate similar information about four-year-old  
40 children served by head start into the statewide  
41 longitudinal data system.>  
42 47. Page 23, line 35, after <2.> by inserting <a.>  
43 48. Page 24, after line 21 by inserting:  
44 <b. This subsection is repealed July 1, 2013.>  
45 49. Page 24, by striking lines 25 through 31 and  
46 inserting:  
47 <a. A school district shall assess all students  
48 enrolled in kindergarten through grade three at the  
49 beginning of each school year for their level of  
50 reading or reading readiness on locally determined

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1 or statewide assessments, as provided in section  
2 256.7, subsection 32. If funds are appropriated by  
3 the general assembly, a school district shall provide  
4 intensive reading instruction to any student who  
5 exhibits a substantial deficiency in reading, based  
6 upon the assessment, or through teacher observations.  
7 The student's reading proficiency shall be>  
8 50. Page 25, line 15, by striking <A> and inserting  
9 <If funds are appropriated by the general assembly, a>  
10 51. Page 25, by striking lines 21 and 22 and  
11 inserting <deficiency, including>  
12 52. Page 26, line 17, by striking <Provides> and  
13 inserting <Provide>  
14 53. Page 27, after line 14 by inserting:  
15 <4. *Ensuring continuous improvement in reading*  
16 *proficiency.*  
17 a. To ensure all children are reading proficiently  
18 by the end of third grade, each school district  
19 shall address reading proficiency as part of its  
20 comprehensive school improvement plan, drawing  
21 upon information about children from assessments  
22 conducted pursuant to subsection 1 and the prevalence  
23 of deficiencies identified by classroom, elementary  
24 school, and other student characteristics. As part  
25 of its comprehensive school improvement plan, each  
26 school district shall review chronic early elementary  
27 absenteeism for its impact on literacy development. If  
28 more than fifteen percent of an attendance center's  
29 students are not proficient in reading by the end of  
30 third grade, the comprehensive school improvement plan  
31 shall include strategies to reduce that percentage,  
32 including school and community strategies to raise the  
33 percentage of students who are proficient in reading.  
34 b. Each school district, subject to an  
35 appropriation of funds by the general assembly, shall  
36 provide professional development services to enhance  
37 the skills of elementary teachers in responding to  
38 children's unique reading issues and needs and to  
39 increase the use of evidence-based strategies.  
40 Sec. \_\_\_\_\_. CROSS-AGENCY ASSESSMENT INSTRUMENT  
41 PLANNING GROUP. The department of education and the  
42 early childhood Iowa state board shall collaborate  
43 to form a cross-agency planning group. Members of  
44 the planning group shall include teachers and school  
45 leaders, and representatives from the departments of  
46 public health, human services, and education, the Iowa  
47 early childhood state and area boards, the state board  
48 of regents, applicable nonprofit groups, and experts in  
49 early childhood assessment and educational assessment.  
50 The planning group shall study and select one standard,

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1 multidomain assessment instrument for implementation  
2 by all school districts for purposes of section  
3 279.60, subsection 1. The instrument shall align with  
4 agreed upon state and national curriculum standards.  
5 The planning group shall study all costs associated  
6 with implementing a universal assessment instrument.  
7 The assessment instrument shall be administered at  
8 least at the beginning and at the end of the school  
9 year to measure student skills and academic growth.  
10 The planning group shall submit its findings and  
11 recommendations in a report to the general assembly by  
12 November 15, 2012.>  
13 54. Page 27, before line 15 by inserting:  
14 <Sec. \_\_\_\_\_. REPEAL. Section 256D.9, Code 2011, is  
15 repealed.  
16 Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
17 division of this Act that repeals section 256D.9 takes  
18 effect June 30, 2012.>  
19 55. Page 27, line 19, after <2013,> by inserting  
20 <if funds are appropriated by the general assembly,>  
21 56. Page 27, line 27, by striking <1, 2012> and  
22 inserting <1>  
23 57. Page 27, line 28, by striking <1, 2012.> and  
24 inserting <1. A school district approved by the  
25 department need not reapply in order to participate in  
26 the pilot project in subsequent fiscal years.>  
27 58. Page 28, line 7, by striking <seven> and  
28 inserting <two and three-quarter>  
29 59. Page 28, by striking lines 10 through 14 and  
30 inserting <ending June 30 of the year preceding initial  
31 participation in the pilot project. The total number  
32 of students participating in>  
33 60. Page 28, line 16, by striking <ten> and  
34 inserting <twenty>  
35 61. Page 28, line 17, by striking <participating>  
36 and inserting <authorized to participate>  
37 62. Page 28, line 24, by striking <July> and  
38 inserting <June>  
39 63. Page 29, after line 19 by inserting:  
40 <DIVISION \_\_\_\_\_  
41 CREATING OUTSTANDING INSTRUCTIONAL LEADERS  
42 PILOT PROGRAM  
43 Sec. \_\_\_\_\_. NEW SECTION. 256.34 Creating outstanding  
44 instructional leaders pilot program.  
45 1. If funds are appropriated by the general  
46 assembly, the department shall establish the creating  
47 outstanding instructional leaders pilot program to  
48 promote excellence in the teaching profession. The  
49 department shall distribute the funds appropriated in  
50 the following manner each fiscal year:

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1     *a.* The fifteen school districts in the state with  
2 the highest student population shall receive funds to  
3 provide for three peer coaching stipends in accordance  
4 with this section.

5     *b.* The thirty-five school districts in the state  
6 with the sixteenth through fiftieth highest student  
7 population shall receive funds to provide for two peer  
8 coaching stipends in accordance with this section.

9     *c.* Any remaining funds shall be allocated to the  
10 area education agencies in proportion to the number of  
11 students in the school districts in the area education  
12 agencies which did not receive funds pursuant to  
13 paragraph "a" or "b". The funds shall be used to  
14 provide for peer coaching stipends in accordance with  
15 this section for such school districts. The area  
16 education agencies shall establish an application  
17 process for such districts seeking funds for peer  
18 coaching stipends.

19     2. A school district receiving funds shall use such  
20 funds to establish yearly peer coaching stipends for  
21 teachers in the amount of eight thousand dollars. A  
22 school district shall use the funds in the school year  
23 in which they are received and shall only use the funds  
24 for the purposes provided in this section. Stipends  
25 shall be awarded by the board of directors in charge of  
26 a school district and shall only be awarded to teachers  
27 who volunteer for the program.

28     3. A teacher receiving a peer coaching stipend  
29 shall, in lieu of the teacher's daily preparation  
30 activities during the school day, engage in peer  
31 coaching in accordance with this section. The board of  
32 directors in charge of a school district shall assign  
33 peer coaches to teachers in need of additional guidance  
34 in one or more aspects of the teaching profession.  
35 Assignments shall be based on either a request  
36 from a principal or from an individual teacher upon  
37 approval of a principal. A peer coach shall still be  
38 responsible for completing daily preparation activities  
39 outside of the school day.

40     4. Peer coaching shall include detailed preliminary  
41 discussions as to areas in which the teacher being  
42 coached desires to improve; formulation of an action  
43 plan to bring about such improvement; in-class  
44 supervision by the peer coach; postclass discussion of  
45 strengths, weaknesses, and strategies for improvement;  
46 dialogue between the peer coach and students and school  
47 officials regarding the teacher being coached; and  
48 documentation of progress of the peer coaching.

49     5. The department shall establish by rule  
50 evaluation criteria for determining the success of

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1 the creating outstanding instructional leaders pilot  
2 program and of individual peer coaches. Peer coaches  
3 whom the department does not find effective shall not  
4 be awarded a peer coaching stipend in succeeding years.  
5 6. The department shall submit to the general  
6 assembly by January 1, annually, a report on the  
7 creating outstanding instructional leaders pilot  
8 program. The report shall include the number of  
9 peer coaching stipends awarded and to which school  
10 districts, identifiable outcomes of the program, and  
11 other pertinent information.  
12 7. This section is repealed June 30, 2015.>  
13 64. By striking page 29, line 20, through page 30,  
14 line 25.  
15 65. Title page, line 4, by striking <schools>  
16 and inserting <schools, and including effective date  
17 provisions>

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HERMAN C. QUIRMBACH



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House File 2337

S-5167

1 Amend House File 2337, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting clause  
4 and inserting:

5 <DIVISION I

6 FY 2012 — 2013 APPROPRIATIONS

7 Section 1. 2011 Iowa Acts, chapter 130, section 48,  
8 is amended to read as follows:

9 SEC. 48. DEPARTMENT OF CULTURAL AFFAIRS. There  
10 is appropriated from the general fund of the state to  
11 the department of cultural affairs for the fiscal year  
12 beginning July 1, 2012, and ending June 30, 2013, the  
13 following amounts, or so much thereof as is necessary,  
14 to be used for the purposes designated:

15 1. ADMINISTRATION

16 For salaries, support, maintenance, miscellaneous  
17 purposes, and for not more than the following full-time  
18 equivalent positions for the department:

19 ..... \$ 85,907  
20 ..... 171,813  
21 ..... FTEs 74.50

22 The department of cultural affairs shall coordinate  
23 activities with the tourism office of the ~~department of~~  
24 economic development authority to promote attendance  
25 at the state historical building and at this state's  
26 historic sites.

27 Full-time equivalent positions authorized under  
28 this subsection shall be funded, in full or in part,  
29 using moneys appropriated under this subsection and  
30 subsections 3 through 7.

31 2. COMMUNITY CULTURAL GRANTS

32 For planning and programming for the community  
33 cultural grants program established under section  
34 303.3:

35 ..... \$ 86,045  
36 ..... 172,090

37 3. HISTORICAL DIVISION

38 For the support of the historical division:

39 ..... \$ 1,383,851  
40 ..... 2,767,701

41 4. HISTORIC SITES

42 For the administration and support of historic  
43 sites:

44 ..... \$ 213,199  
45 ..... 426,398

46 5. ARTS DIVISION

47 For the support of the arts division:

48 ..... \$ 466,882  
49 ..... 933,764

50 6. IOWA GREAT PLACES

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1 For the Iowa great places program established under  
2 section 303.3C:  
3 ..... \$ 75,000  
4 ..... 150,000  
5 7. ARCHIVE IOWA GOVERNORS' RECORDS  
6 For archiving the records of Iowa governors:  
7 ..... \$ 32,967  
8 ..... 65,933  
9 8. RECORDS CENTER RENT  
10 For payment of rent for the state records center:  
11 ..... \$ 113,622  
12 ..... 227,243  
13 9. BATTLE FLAGS  
14 For continuation of the project recommended by the  
15 Iowa battle flag advisory committee to stabilize the  
16 condition of the battle flag collection:  
17 ..... \$ 30,000  
18 ..... 60,000  
19 10. FILM OFFICE  
20 For salaries, support, maintenance, miscellaneous  
21 purposes, and for not more than the following full-time  
22 equivalent positions:  
23 ..... \$ 200,000  
24 ..... FTEs 2.00  
25 11. CULTURAL TRUST FUND  
26 For deposit in the Iowa cultural trust fund created  
27 in section 303A.4:  
28 ..... \$ 200,000  
29 The board of trustees of the Iowa cultural trust  
30 shall annually prepare a report for submission to the  
31 governor, the general assembly, and the legislative  
32 services agency regarding the activities, projects,  
33 and programs funded with moneys allocated under this  
34 subsection. This report shall be submitted each year  
35 by January 15.  
36 Sec. 2. 2011 Iowa Acts, chapter 130, section 49, is  
37 amended to read as follows:  
38 SEC. 49. GOALS AND ACCOUNTABILITY — ECONOMIC  
39 DEVELOPMENT.  
40 1. For the fiscal year beginning July 1, 2012,  
41 the goals for the ~~department~~ of economic development  
42 authority shall be to expand and stimulate the state  
43 economy, increase the wealth of Iowans, and increase  
44 the population of the state.  
45 2. To achieve the goals in subsection 1, the  
46 ~~department~~ of economic development authority shall do  
47 all of the following for the fiscal year beginning July  
48 1, 2012:  
49 a. Concentrate its efforts on programs and  
50 activities that result in commercially viable products

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1 and services.  
2 b. Adopt practices and services consistent with  
3 free market, private sector philosophies.  
4 c. Ensure economic growth and development  
5 throughout the state.  
6 d. Work with businesses and communities to  
7 continually improve the economic development climate  
8 along with the economic well-being and quality of life  
9 for Iowans.  
10 e. Coordinate with other state agencies to  
11 ensure that they are attentive to the needs of an  
12 entrepreneurial culture.  
13 f. Establish a strong and aggressive marketing  
14 image to showcase Iowa's workforce, existing industry,  
15 and potential. A priority shall be placed on  
16 recruiting new businesses, business expansion, and  
17 retaining existing Iowa businesses. Emphasis shall be  
18 placed on entrepreneurial development through helping  
19 entrepreneurs secure capital, and developing networks  
20 and a business climate conducive to entrepreneurs and  
21 small businesses.  
22 g. Encourage the development of communities and  
23 quality of life to foster economic growth.  
24 h. Prepare communities for future growth and  
25 development through development, expansion, and  
26 modernization of infrastructure.  
27 i. Develop public-private partnerships with  
28 Iowa businesses in the tourism industry, Iowa tour  
29 groups, Iowa tourism organizations, and political  
30 subdivisions in this state to assist in the development  
31 of advertising efforts.  
32 j. Develop, to the fullest extent possible,  
33 cooperative efforts for advertising with contributions  
34 from other sources.  
35 Sec. 3. 2011 Iowa Acts, chapter 130, section 50,  
36 subsections 1, 2, 4, 5, and 6, are amended to read as  
37 follows:  
38 1. APPROPRIATION  
39 There is appropriated from the general fund of  
40 the state to the ~~department of~~ economic development  
41 authority for the fiscal year beginning July 1, 2012,  
42 and ending June 30, 2013, the following amounts, or  
43 so much thereof as is necessary, to be used for the  
44 purposes designated in subsection 2, and for not more  
45 than the following full-time equivalent positions:  
46 ..... \$ ~~4,891,712~~  
47 ..... 9,783,424  
48 ..... FTEs 149.00  
49 2. DESIGNATED PURPOSES  
50 a. For salaries, support, miscellaneous purposes,

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1 programs, and the maintenance of an administration  
2 division, a business development division, and a  
3 community development division.  
4 b. The full-time equivalent positions authorized  
5 under this section shall be funded, in whole or in  
6 part, by the moneys appropriated under subsection 1 or  
7 by other moneys received by the department authority,  
8 including certain federal moneys.  
9 c. For business development operations and  
10 programs, ~~the film office~~, international trade, export  
11 assistance, workforce recruitment, and the partner  
12 state program.  
13 d. For transfer to the strategic investment fund  
14 created in section 15.313.  
15 e. For community economic development programs,  
16 tourism operations, community assistance, plans  
17 for Iowa green corps and summer youth programs,  
18 the mainstreet and rural mainstreet programs, the  
19 school-to-career program, the community development  
20 block grant, and housing and shelter-related programs.  
21 f. For achieving the goals and accountability, and  
22 fulfilling the requirements and duties required under  
23 this Act.  
24 4. FINANCIAL ASSISTANCE RESTRICTIONS  
25 a. A business creating jobs through moneys  
26 appropriated in this section shall be subject to  
27 contract provisions requiring new and retained jobs to  
28 be filled by individuals who are citizens of the United  
29 States who reside within the United States or any  
30 person authorized to work in the United States pursuant  
31 to federal law, including legal resident aliens in the  
32 United States.  
33 b. Any vendor who receives moneys appropriated in  
34 this section shall adhere to such contract provisions  
35 and provide periodic assurances as the state shall  
36 require that the jobs are filled solely by citizens of  
37 the United States who reside within the United States  
38 or any person authorized to work in the United States  
39 pursuant to federal law, including legal resident  
40 aliens in the United States.  
41 c. A business that receives financial assistance  
42 from the department authority from moneys appropriated  
43 in this section shall only employ individuals legally  
44 authorized to work in this state. In addition to all  
45 other applicable penalties provided by current law, all  
46 or a portion of the assistance received by a business  
47 which is found to knowingly employ individuals not  
48 legally authorized to work in this state is subject to  
49 recapture by the department authority.  
50 5. USES OF APPROPRIATIONS

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1 a. From the moneys appropriated in this section,  
2 the ~~department~~ authority may provide financial  
3 assistance in the form of a grant to a community  
4 economic development entity for conducting a local  
5 workforce recruitment effort designed to recruit former  
6 citizens of the state and former students at colleges  
7 and universities in the state to meet the needs of  
8 local employers.  
9 b. From the moneys appropriated in this section,  
10 the ~~department~~ authority may provide financial  
11 assistance to early stage industry companies being  
12 established by women entrepreneurs.  
13 c. From the moneys appropriated in this section,  
14 the ~~department~~ authority may provide financial  
15 assistance in the form of grants, loans, or forgivable  
16 loans for advanced research and commercialization  
17 projects involving value-added agriculture, advanced  
18 technology, or biotechnology.  
19 d. The ~~department~~ authority shall not use any  
20 moneys appropriated in this section for purposes of  
21 providing financial assistance for the Iowa green  
22 streets pilot project or for any other program or  
23 project that involves the installation of geothermal  
24 systems for melting snow and ice from streets or  
25 sidewalks.  
26 6. WORLD FOOD PRIZE  
27 For allocating moneys for the world food prize and  
28 ~~notwithstanding in lieu of the standing appropriation~~  
29 in section 15.368, subsection 1:  
30 ..... \$ 250,000  
31 ..... 750,000  
32 Sec. 4. 2011 Iowa Acts, chapter 130, section 50,  
33 subsection 7, unnumbered paragraphs 1 and 2, are  
34 amended to read as follows:  
35 For allocation to the Iowa commission on volunteer  
36 service for the Iowa's promise and mentoring  
37 partnership programs, for transfer to the Iowa state  
38 commission grant program, and for not more than the  
39 following full-time equivalent positions:  
40 ..... \$ 89,067  
41 ..... 178,133  
42 ..... FTEs 7.00  
43 Of the moneys appropriated in this subsection, the  
44 ~~department~~ authority shall allocate ~~\$37,500~~ \$75,000 for  
45 purposes of the Iowa state commission grant program and  
46 ~~\$51,567~~ \$103,133 for purposes of the Iowa's promise and  
47 mentoring partnership programs.  
48 Sec. 5. 2011 Iowa Acts, chapter 130, section 51, is  
49 amended to read as follows:  
50 SEC. 51. VISION IOWA PROGRAM — FTE

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1 AUTHORIZATION. For purposes of administrative duties  
2 associated with the vision Iowa program for the fiscal  
3 year beginning July 1, 2012, the ~~department of~~ economic  
4 development authority is authorized an additional 2.25  
5 FTEs above those otherwise authorized in this division  
6 of this Act.

7 Sec. 6. 2011 Iowa Acts, chapter 130, section 52, is  
8 amended to read as follows:

9 SEC. 52. INSURANCE ECONOMIC DEVELOPMENT. From  
10 the moneys collected by the division of insurance  
11 in excess of the anticipated gross revenues under  
12 section 505.7, subsection 3, during the fiscal year  
13 beginning July 1, 2012, \$100,000 shall be transferred  
14 to the ~~department of~~ economic development authority  
15 for insurance economic development and international  
16 insurance economic development.

17 Sec. 7. 2011 Iowa Acts, chapter 130, section 53, is  
18 amended to read as follows:

19 SEC. 53. COMMUNITY DEVELOPMENT LOAN  
20 FUND. Notwithstanding section 15E.120, subsection  
21 5, there is appropriated from the Iowa community  
22 development loan fund all moneys available during the  
23 fiscal year beginning July 1, 2012, and ending June  
24 30, 2013, to the ~~department of~~ economic development  
25 authority for purposes of the community development  
26 program.

27 Sec. 8. 2011 Iowa Acts, chapter 130, is amended by  
28 adding the following new section:

29 SEC. 53A. INCENTIVE FUND. There is appropriated  
30 from the general fund of the state to the economic  
31 development authority for the fiscal year beginning  
32 July 1, 2012, and ending June 30, 2013, the following  
33 amount to be used for the purposes of incentives and  
34 assistance to create high quality jobs and pursuant to  
35 chapter 15:

36 ..... \$ 20,000,000

37 Notwithstanding section 8.33, moneys appropriated in  
38 this section that remain unencumbered or unobligated  
39 at the close of the fiscal year shall not revert but  
40 shall remain available for expenditure for the purposes  
41 designated until the close of the succeeding fiscal  
42 year.

43 Sec. 9. 2011 Iowa Acts, chapter 130, is amended by  
44 adding the following new section:

45 SEC. 53B. MAIN STREET. There is appropriated  
46 from the general fund of the state to the economic  
47 development authority for the fiscal year beginning  
48 July 1, 2012, and ending June 30, 2013, the following  
49 amount to be used for the purposes of the United  
50 States department of housing and urban development's

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1 main street challenge grants for historic building  
2 preservation:  
3 ..... \$ 100,000  
4 Notwithstanding section 8.33, moneys appropriated in  
5 this section that remain unencumbered or unobligated  
6 at the close of the fiscal year shall not revert but  
7 shall remain available for expenditure for the purposes  
8 designated until the close of the succeeding fiscal  
9 year.  
10 Sec. 10. 2011 Iowa Acts, chapter 130, section 54,  
11 is amended to read as follows:  
12 SEC. 54. WORKFORCE DEVELOPMENT FUND. There is  
13 appropriated from the workforce development fund  
14 account created in section 15.342A to the workforce  
15 development fund created in section 15.343 for the  
16 fiscal year beginning July 1, 2012, and ending June  
17 30, 2013, the following amount, for purposes of the  
18 workforce development fund:  
19 ..... \$ ~~2,000,000~~  
20 4,000,000  
21 Sec. 11. 2011 Iowa Acts, chapter 130, section 55,  
22 is amended to read as follows:  
23 SEC. 55. WORKFORCE DEVELOPMENT ADMINISTRATION.  
24 From moneys appropriated or transferred to or receipts  
25 credited to the workforce development fund created in  
26 section 15.343, up to \$400,000 for the fiscal year  
27 beginning July 1, 2012, and ending June 30, 2013, are  
28 appropriated to the ~~department of~~ economic development  
29 authority for the administration of workforce  
30 development activities including salaries, support,  
31 maintenance, and miscellaneous purposes, and for not  
32 more than the following full-time equivalent positions:  
33 ..... FTEs 4.00  
34 Sec. 12. 2011 Iowa Acts, chapter 130, section 57,  
35 is amended to read as follows:  
36 SEC. 57. IOWA STATE UNIVERSITY.  
37 1. There is appropriated from the general fund  
38 of the state to Iowa state university of science  
39 and technology for the fiscal year beginning July  
40 1, 2012, and ending June 30, 2013, the following  
41 amount, or so much thereof as is necessary, to be used  
42 for small business development centers, the science  
43 and technology research park, and the institute for  
44 physical research and technology, and for not more than  
45 the following full-time equivalent positions:  
46 ..... \$ ~~1,212,151~~  
47 2,424,302  
48 ..... FTEs 56.63  
49 2. Of the moneys appropriated in subsection 1,  
50 Iowa state university of science and technology shall

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1 allocate at least ~~\$468,178~~ \$936,345 for purposes of  
2 funding small business development centers. Iowa state  
3 university of science and technology may allocate  
4 moneys appropriated in subsection 1 to the various  
5 small business development centers in any manner  
6 necessary to achieve the purposes of this subsection.  
7 3. Iowa state university of science and technology  
8 shall do all of the following:  
9 a. Direct expenditures for research toward projects  
10 that will provide economic stimulus for Iowa.  
11 b. Provide emphasis to providing services to  
12 Iowa-based companies.  
13 4. It is the intent of the general assembly  
14 that the industrial incentive program focus on Iowa  
15 industrial sectors and seek contributions and in-kind  
16 donations from businesses, industrial foundations, and  
17 trade associations, and that moneys for the institute  
18 for physical research and technology industrial  
19 incentive program shall be allocated only for projects  
20 which are matched by private sector moneys for directed  
21 contract research or for nondirected research. The  
22 match required of small businesses as defined in  
23 section 15.102, subsection ~~6~~ 10, for directed contract  
24 research or for nondirected research shall be \$1 for  
25 each \$3 of state funds. The match required for other  
26 businesses for directed contract research or for  
27 nondirected research shall be \$1 for each \$1 of state  
28 funds. The match required of industrial foundations  
29 or trade associations shall be \$1 for each \$1 of state  
30 funds.  
31 Iowa state university of science and technology  
32 shall report annually to the joint appropriations  
33 subcommittee on economic development and the  
34 legislative services agency the total amount of  
35 private contributions, the proportion of contributions  
36 from small businesses and other businesses, and  
37 the proportion for directed contract research and  
38 nondirected research of benefit to Iowa businesses and  
39 industrial sectors.  
40 5. Notwithstanding section 8.33, moneys  
41 appropriated in this section that remain unencumbered  
42 or unobligated at the close of the fiscal year shall  
43 not revert but shall remain available for expenditure  
44 for the purposes designated until the close of the  
45 succeeding fiscal year.  
46 Sec. 13. 2011 Iowa Acts, chapter 130, section 58,  
47 is amended to read as follows:  
48 SEC. 58. UNIVERSITY OF IOWA.  
49 1. There is appropriated from the general fund  
50 of the state to the state university of Iowa for the

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1 fiscal year beginning July 1, 2012, and ending June  
2 30, 2013, the following amount, or so much thereof  
3 as is necessary, to be used for the state university  
4 of Iowa research park and for the advanced drug  
5 development program at the Oakdale research park,  
6 including salaries, support, maintenance, equipment,  
7 miscellaneous purposes, and for not more than the  
8 following full-time equivalent positions:  
9 ..... \$ 104,640  
10 ..... 209,279  
11 ..... FTEs 6.00  
12 2. The state university of Iowa shall do all of the  
13 following:  
14 a. Direct expenditures for research toward projects  
15 that will provide economic stimulus for Iowa.  
16 b. Provide emphasis to providing services to  
17 Iowa-based companies.  
18 3. Notwithstanding section 8.33, moneys  
19 appropriated in this section that remain unencumbered  
20 or unobligated at the close of the fiscal year shall  
21 not revert but shall remain available for expenditure  
22 for the purposes designated until the close of the  
23 succeeding fiscal year.  
24 Sec. 14. 2011 Iowa Acts, chapter 130, section 59,  
25 is amended to read as follows:  
26 SEC. 59. UNIVERSITY OF NORTHERN IOWA.  
27 1. There is appropriated from the general fund of  
28 the state to the university of northern Iowa for the  
29 fiscal year beginning July 1, 2012, and ending June 30,  
30 2013, the following amount, or so much thereof as is  
31 necessary, to be used for the metal casting institute,  
32 the MyEntreNet internet application, and the institute  
33 of decision making, including salaries, support,  
34 maintenance, miscellaneous purposes, and for not more  
35 than the following full-time equivalent positions:  
36 ..... \$ 287,358  
37 ..... 718,716  
38 ..... FTEs 6.75  
39 2. Of the moneys appropriated pursuant to  
40 subsection 1, the university of northern Iowa shall  
41 allocate at least ~~\$58,820~~ \$261,639 for purposes of  
42 support of entrepreneurs and small and micro businesses  
43 through the university's regional business center.  
44 3. The university of northern Iowa shall do all of  
45 the following:  
46 a. Direct expenditures for research toward projects  
47 that will provide economic stimulus for Iowa.  
48 b. Provide emphasis to providing services to  
49 Iowa-based companies.  
50 4. Notwithstanding section 8.33, moneys

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1 appropriated in this section that remain unencumbered  
2 or unobligated at the close of the fiscal year shall  
3 not revert but shall remain available for expenditure  
4 for the purposes designated until the close of the  
5 succeeding fiscal year.  
6 Sec. 15. 2011 Iowa Acts, chapter 130, is amended by  
7 adding the following new section:  
8 SEC. 60A. REGENTS INNOVATION FUND.  
9 1. There is appropriated from the general fund  
10 of the state to the institutions of higher learning  
11 under the control of the state board of regents for the  
12 fiscal year beginning July 1, 2012, and ending June 30,  
13 2013, the following amount to be used for the purposes  
14 provided in this section:  
15 ..... \$ 3,800,000  
16 Of the moneys appropriated pursuant to this section,  
17 thirty-five percent shall be allocated for Iowa state  
18 university, thirty-five percent shall be allocated  
19 for university of Iowa, and thirty percent shall be  
20 allocated for university of northern Iowa.  
21 2. The institutions shall use moneys appropriated  
22 in this section for capacity building infrastructure  
23 in areas related to technology commercialization,  
24 marketing and business development efforts in  
25 areas related to technology commercialization,  
26 entrepreneurship, and business growth, and  
27 infrastructure projects and programs needed to assist  
28 in the implementation of activities under chapter 262B.  
29 3. The institutions shall provide a one-to-one  
30 match of additional moneys for the activities funded  
31 with moneys appropriated under this section.  
32 4. The state board of regents shall annually  
33 prepare a report for submission to the governor, the  
34 general assembly, and the legislative services agency  
35 regarding the activities, projects, and programs  
36 funded with moneys allocated under this section. The  
37 report shall be provided in an electronic format and  
38 shall include a list of metrics and criteria mutually  
39 agreed to in advance by the board of regents and  
40 the economic development authority. The metrics and  
41 criteria shall allow the governor's office and the  
42 general assembly to quantify and evaluate the progress  
43 of the board of regents institutions with regard to  
44 their activities, projects, and programs in the areas  
45 of technology commercialization, entrepreneurship,  
46 regional development, and market research.  
47 Sec. 16. 2011 Iowa Acts, chapter 130, section 67,  
48 subsection 1, is amended to read as follows:  
49 1. There is appropriated from the general fund  
50 of the state to the Iowa finance authority for the

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1 fiscal year beginning July 1, 2012, and ending June 30,  
2 2013, the following amount, or so much thereof as is  
3 necessary, to be used to provide reimbursement for rent  
4 expenses to eligible persons under the rent subsidy  
5 program:

6 ..... \$ 329,000  
7 658,000

8 Sec. 17. 2011 Iowa Acts, chapter 130, section 69,  
9 is amended to read as follows:

10 SEC. 69. PUBLIC EMPLOYMENT RELATIONS BOARD.

11 1. There is appropriated from the general fund of  
12 the state to the public employment relations board for  
13 the fiscal year beginning July 1, 2012, and ending June  
14 30, 2013, the following amount, or so much thereof as  
15 is necessary, for the purposes designated:

16 For salaries, support, maintenance, miscellaneous  
17 purposes, and for not more than the following full-time  
18 equivalent positions:

19 ..... \$ 528,936  
20 1,148,426  
21 ..... FTEs 10.00

22 2. Of the moneys appropriated in this section,  
23 the board shall allocate \$15,000 for maintaining a  
24 website that allows searchable access to a database of  
25 collective bargaining information.

26 DIVISION II

27 FY 2012 — 2013 WORKFORCE DEVELOPMENT APPROPRIATIONS

28 Sec. 18. LEGISLATIVE FINDINGS. It is the finding  
29 of the general assembly that the recent Iowa supreme  
30 court decision of Homan v. Branstad, No. 11-2022,  
31 March 16, 2012, has invalidated the proper enactment  
32 of certain provisions contained in the 2011 Iowa Acts,  
33 chapter 130 (Senate File 517). It is the intent of  
34 the general assembly to reenact, as amended, certain  
35 invalidated provisions of Senate File 517 that were  
36 published in the 2011 Iowa Acts and to validate actions  
37 entered into in reliance on the enactment of the  
38 invalidated provisions published in the 2011 Iowa Acts.

39 Sec. 19. DEPARTMENT OF WORKFORCE  
40 DEVELOPMENT. There is appropriated from the general  
41 fund of the state to the department of workforce  
42 development for the fiscal year beginning July 1, 2012,  
43 and ending June 30, 2013, the following amounts, or  
44 so much thereof as is necessary, for the purposes  
45 designated:

46 1. DIVISION OF LABOR SERVICES

47 a. For the division of labor services, including  
48 salaries, support, maintenance, miscellaneous  
49 purposes, and for not more than the following full-time  
50 equivalent positions:

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1 ..... \$ 3,548,440  
2 ..... FTEs 65.00  
3 b. From the contractor registration fees, the  
4 division of labor services shall reimburse the  
5 department of inspections and appeals for all costs  
6 associated with hearings under chapter 91C, relating  
7 to contractor registration.  
8 c. Of the moneys appropriated under this  
9 subsection, the department shall allocate \$53,000 for  
10 the purpose of employing an additional investigator to  
11 investigate wage enforcement.  
12 2. DIVISION OF WORKERS' COMPENSATION  
13 a. For the division of workers' compensation,  
14 including salaries, support, maintenance, miscellaneous  
15 purposes, and for not more than the following full-time  
16 equivalent positions:  
17 ..... \$ 3,102,044  
18 ..... FTEs 31.00  
19 b. The division of workers' compensation shall  
20 charge a \$100 filing fee for workers' compensation  
21 cases. The filing fee shall be paid by the petitioner  
22 of a claim. However, the fee can be taxed as a cost  
23 and paid by the losing party, except in cases where  
24 it would impose an undue hardship or be unjust under  
25 the circumstances. The moneys generated by the filing  
26 fee allowed under this subsection are appropriated to  
27 the department of workforce development to be used for  
28 purposes of administering the division of workers'  
29 compensation.  
30 c. Of the moneys appropriated under this  
31 subsection, the department shall allocate \$153,000 for  
32 the purpose of employing a chief deputy commissioner.  
33 3. WORKFORCE DEVELOPMENT OPERATIONS  
34 a. For the operation of field offices, the  
35 workforce development board, and for not more than the  
36 following full-time equivalent positions:  
37 ..... \$ 9,671,352  
38 ..... FTEs 130.00  
39 b. Of the moneys appropriated in paragraph "a" of  
40 this subsection, the department shall allocate at least  
41 \$1,130,602 for the operation of satellite field offices  
42 in Decorah, Fort Madison, Iowa City, and Webster City,  
43 and of the moneys appropriated in paragraph "a" of this  
44 subsection, the department shall allocate \$150,000  
45 to the state library for the purpose of licensing an  
46 online resource which prepares persons to succeed in  
47 the workplace through programs which improve job skills  
48 and vocational test-taking abilities.  
49 c. Of the moneys appropriated in paragraph "a" of  
50 this subsection the department shall not allocate more

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1 than \$208,294 for the purpose of the administration  
2 cost pool.  
3 4. OFFENDER REENTRY PROGRAM  
4 a. For the development and administration of an  
5 offender reentry program to provide offenders with  
6 employment skills, and for not more than the following  
7 full-time equivalent positions:  
8 ..... \$ 284,464  
9 ..... FTEs 4.00  
10 b. The department shall partner with the department  
11 of corrections to provide staff within the correctional  
12 facilities to improve offenders' abilities to find and  
13 retain productive employment.  
14 5. NONREVERSION  
15 Notwithstanding section 8.33, moneys appropriated in  
16 this section that remain unencumbered or unobligated  
17 at the close of the fiscal year shall not revert but  
18 shall remain available for expenditure for the purposes  
19 designated until the close of the succeeding fiscal  
20 year.  
21 Sec. 20. EMPLOYMENT SECURITY CONTINGENCY FUND.  
22 1. There is appropriated from the special  
23 employment security contingency fund to the department  
24 of workforce development for the fiscal year beginning  
25 July 1, 2012, and ending June 30, 2013, the following  
26 amount, or so much thereof as is necessary, to be used  
27 for field offices:  
28 ..... \$ 1,217,084  
29 2. There is appropriated from the special  
30 employment security contingency fund to the division of  
31 workers' compensation of the department of workforce  
32 development for the fiscal year beginning July 1, 2012,  
33 and ending June 30, 2013, the following amount or so  
34 much thereof as is necessary, to be used for hiring  
35 and compensating a deputy commissioner of workers'  
36 compensation.  
37 ..... \$ 160,000  
38 3. There is appropriated from the special  
39 employment security contingency to the department of  
40 workforce development for the fiscal year beginning  
41 July 1, 2012, and ending June 30, 2013, the following  
42 amount, or so much thereof as is necessary, to be used  
43 for the reopening of satellite field offices in Ames,  
44 Atlantic, Denison, and Newton:  
45 ..... \$ 1,200,000  
46 4. Any remaining additional penalty and interest  
47 revenue collected by the department of workforce  
48 development is appropriated to the department for the  
49 fiscal year beginning July 1, 2012, and ending June 30,  
50 2013, to accomplish the mission of the department.

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1     Sec. 21. UNEMPLOYMENT COMPENSATION RESERVE FUND  
2     — FIELD OFFICES. Notwithstanding section 96.9,  
3     subsection 8, paragraph "e", there is appropriated  
4     from interest earned on the unemployment compensation  
5     reserve fund to the department of workforce development  
6     for the fiscal year beginning July 1, 2012, and ending  
7     June 30, 2013, the following amount or so much thereof  
8     as is necessary, for the purposes designated:  
9     For the operation of field offices:  
10    ..... \$     633,000  
11    Sec. 22. GENERAL FUND — EMPLOYEE MISCLASSIFICATION  
12    PROGRAM. There is appropriated from the general fund  
13    of the state to the department of workforce development  
14    for the fiscal year beginning July 1, 2012, and  
15    ending June 30, 2013, the following amount, or so much  
16    thereof as is necessary, to be used for the purposes  
17    designated:  
18    For enhancing efforts to investigate employers that  
19    misclassify workers and for not more than the following  
20    full-time equivalent positions:  
21    ..... \$     451,458  
22    ..... FTEs       8.10  
23    Sec. 23. VIRTUAL ACCESS WORKFORCE DEVELOPMENT  
24    OFFICES. The department of workforce development shall  
25    require a unique identification login for all users  
26    of workforce development centers operated through  
27    electronic means.  
28                                   DIVISION III  
29                                   MISCELLANEOUS PROVISIONS  
30    Sec. 24. 2010 Iowa Acts, chapter 1184, section 26,  
31    as amended by 2011 Iowa Acts, chapter 131, section 105,  
32    is amended to read as follows:  
33    SEC. 26. There is appropriated from the rebuild  
34    Iowa infrastructure fund to the department of economic  
35    development for deposit in the grow Iowa values fund,  
36    for the fiscal year beginning July 1, 2010, and ending  
37    June 30, 2011, the following amount, notwithstanding  
38    section 8.57, subsection 6, paragraph "c":  
39    ..... \$ 38,000,000  
40    Of the moneys appropriated in this section, from  
41    the amount allocated to the department of economic  
42    development in accordance with 2010 Iowa Acts, chapter  
43    1184, section 28, subsection 1, ~~\$1,200,000~~ \$1,417,219  
44    shall be used for the department's Iowans helping  
45    Iowans business assistance program. Notwithstanding  
46    section 8.33, moneys designated pursuant to this  
47    unnumbered paragraph that remain unencumbered or  
48    unobligated at the close of the fiscal year shall not  
49    revert but shall remain available for expenditure  
50    for the purposes designated until the close of the

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1 succeeding fiscal year.

2 Sec. 25. Section 15G.111, subsection 2, paragraph  
3 b, subparagraph (1), Code Supplement 2011, is amended  
4 by striking the subparagraph and inserting in lieu  
5 thereof the following:

6 (1) For the fiscal year beginning July 1, 2011,  
7 and ending June 30, 2012, the authority shall allocate  
8 three hundred fifty thousand dollars for purposes of  
9 providing financial assistance to Iowa's councils of  
10 governments. Notwithstanding section 8.33, moneys  
11 allocated pursuant to this subparagraph that remain  
12 unencumbered or unobligated at the close of the fiscal  
13 year shall not revert to the fund from which allocated  
14 at the close of the fiscal year but shall remain  
15 available for expenditure for the purposes designated  
16 until the close of the succeeding fiscal year.

17 Sec. 26. Section 123.183, subsection 2, paragraph  
18 b, subparagraph (2), subparagraph division (a), Code  
19 Supplement 2011, is amended to read as follows:

20 (a) To the midwest grape and wine industry  
21 institute at Iowa state university of science and  
22 technology, ~~one hundred twenty~~ two hundred fifty  
23 thousand dollars.

24 Sec. 27. Section 303.1, subsection 4, Code 2011, is  
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. e. Film office.

27 Sec. 28. NEW SECTION. 303.95 Film office.

28 The department shall establish and administer a film  
29 office. The purpose of the film office is to assist  
30 legitimate film, television, and video producers in the  
31 production of film, television, and video projects in  
32 the state and to create a positive fiscal impact on the  
33 state's economy through such projects.

34 Sec. 29. TRANSITIONAL PROVISIONS — EMERGENCY  
35 ADMINISTRATIVE RULEMAKING. The department of cultural  
36 affairs may adopt emergency rules under section  
37 17A.4, subsection 3, and section 17A.5, subsection 2,  
38 paragraph "b", to implement the provisions of this Act  
39 relating to a film office in the department of cultural  
40 affairs, and the rules shall be effective January 1,  
41 2013, unless a later date is specified in the rules.  
42 Any rules adopted in accordance with this section shall  
43 also be published as a notice of intended action as  
44 provided in section 17A.4.

45 Sec. 30. EFFECTIVE UPON ENACTMENT. The following  
46 provision or provisions of this division of this Act,  
47 being deemed of immediate importance, take effect upon  
48 enactment:

49 1. The section of this division of this Act  
50 amending 2010 Iowa Acts, chapter 1184, section 26.

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1     2. The section of this division of this Act  
2 amending section 15G.111.  
3     3. The section of this division of this Act  
4 providing for emergency rulemaking.>  
5     2. Title page, line 6, by striking <and  
6 retroactive>  
7     3. By renumbering as necessary.

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WILLIAM DOTZLER